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LEGISLATIVE HISTORY

Public Law 87-18
S. 153

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INDEX AND SUMMARY OF S. 153

Jan. 5, 1961	Sen. McClellan and others introduced and Sen. McClellan discussed S. 153 which was referred to Senate Government Operations Committee. Print of bill and remarks of Sen. McClellan.
Jan. 30, 1961	Senate committee reported S. 153 without amendment. S. Report No. 28. Print of bill and report.
Feb. 6, 1961	Senate passed S. 153 without amendment.
Feb. 7, 1961	S. 153 was referred to the House Government Operations Committee. Print of bill as referred.
Feb. 28, 1961	House subcommittee ordered S. 153 reported to the full committee.
Mar. 21, 1961	House subcommittee rescinded actions of Feb. 28 and again ordered S. 153 reported to full committee. Rep. Fascell introduced H. R. 5742 which was referred to House Government Operations Committee. Print of bill as introduced.
Mar. 22, 1961	House committee voted to report (but did not actually report) H. R. 5742.
Mar. 23, 1961	House committee reported H. R. 5742 without amendment. H. Report No. 195. Print of bill and report.
Mar. 27, 1961	Rules Committee reported resolution for consideration of S. 153. H. Res. 238, H. Rept. 202. Print of resolution and report.
Mar. 28, 1961	Summary of H. R. 5742 as reported by House committee.
Mar. 29, 1961	House passed S. 153 without amendment in lieu of H. R. 5742. H. R. 5742 was laid on table due to passage of S. 153.
Apr. 7, 1961	Approved: Public Law 87-18.

DIGEST OF PUBLIC LAW 87-18

REORGANIZATION PLANS. Amends the Reorganization Act of 1949, as amended, to reinstate until June 1, 1963, the authority given the President by such Act to transmit reorganization plans to the Congress. Such plans take effect unless a resolution of disapproval is passed by either the House or the Senate within 60 days from the date of transmittal.

S. 153

IN THE SENATE OF THE UNITED STATES

JANUARY 5 (legislative day, JANUARY 4), 1961

MR. McCLELLAN (for himself, Mr. JACKSON, Mr. HUMPHREY, and Mr. ERVIN)
introduced the following bill; which was read twice and referred to the
Committee on Government Operations

A BILL

To further amend the Reorganization Act of 1949, as amended,
so that such Act will apply to reorganization plans trans-
mitted to the Congress at any time before June 1, 1963.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (b) of section 5 of the Reorganization Act
4 of 1949 (63 Stat. 205; 5 U.S.C. 133z-3), as last amended
5 by the Act of September 4, 1957 (71 Stat. 611), is hereby
6 further amended by striking out "June 1, 1959" and inserting
7 in lieu thereof "June 1, 1963".

A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

By Mr. McCLELLAN, Mr. JACKSON, Mr. HUMPHREY, and Mr. EBYN

JANUARY 5 (legislative day, JANUARY 4), 1961
Read twice and referred to the Committee on
Government Operations

Over the years this program has enabled millions of children throughout the country to drink milk each day, at school and in summer camps. Over half of the Nation's children benefit from it. The program is administered locally, with a minimum of redtape. It is of great nutritional value, bringing the benefits of fresh, whole milk to children at an age when they most need it to promote healthy growth.

The special milk program has established a proud record of growth and development. Each year more schools participate, more half pints of milk are distributed, and more children benefit. Each year the amount of funds available through the Commodity Credit Corporation has been increased.

Through this program we have encouraged ever larger numbers of children in more and more schools to drink more milk regularly. The number of schools and child care institutions participating is now over 85,000, and the number of half-pints of milk distributed under the program in the fiscal year 1960 was 2,395 million. The rising popularity of the program is evidenced by the fact that it has grown at the rate of 9 percent per year for each of the past 3 years.

Unfortunately, the program has had a history of running out of funds. Only a year ago schools around the country were informed that the rate of reimbursement paid for each half pint of milk would be cut by half a cent. Fortunately, quick congressional action prevented this reduction, and the growth of the program was able to continue without check.

The bill I am today introducing would extend the program for another year, and would increase the funds available from \$95 million to \$105 million. A recent Department of Agriculture survey of State school administrators has indicated that the popularity of the program is continuing to rise, and that it can be expected to continue to grow at an annual rate of 9 or 10 percent. The increase of \$10 million provided in my bill would enable the program to continue to grow. It would make it possible for additional schools and more children to participate without danger that funds may be exhausted.

I am pleased to introduce this bill at this time and I ask consent that it may be allowed to lay on the table for 48 hours so that additional Senators may add their names as cosponsors, and that it be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and will lie on the desk for 48 hours, as requested by the Senator from Wisconsin.

The bill (S. 146) to extend and increase the special milk program for children, introduced by Mr. PROXMIRE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That the first sentence of the Act entitled "An Act to continue the special milk program for children in the interest of improved nutrition by fostering the consumption of fluid milk in the schools", approved July 1, 1958, as amended (7 U.S.C., sec. 1446 note), is amended by inserting immediately after "\$95,000,000," the following: "and for the fiscal year beginning July 1, 1961, not to exceed \$105,000,000,".

AMENDMENT OF REORGANIZATION ACT OF 1949

Mr. McCLELLAN. Mr. President, on behalf of myself, the junior Senator from Washington [Mr. JACKSON], the senior Senator from Minnesota [Mr. HUMPHREY], and the senior Senator from North Carolina [Mr. ERVIN], I send to the desk, for appropriate reference, a bill to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

The objective of this proposed legislation is to reinstate the power of the President to submit reorganization plans to the Congress, which, unless disapproved by either the House or the Senate within 60 days after submission, become law.

The Reorganization Act of 1949 was approved by the Congress as a method of expediting reorganizations within the executive branch of the Government. The 1949 act, which was primarily directed toward effecting prompt action on the recommendations of the first Hoover Commission, gave much greater authority to the President than did the 1945 act which had terminated in accordance with its provisions. As approved by the Congress, the 1949 act gave the President much wider latitude in reorganizing the executive branch, permitting him to submit reorganization plans for the creation of new departments within the executive branch at the Cabinet level.

The act was extended after its original expiration date on April 1, 1953, for 2-year periods in 1953, 1955, and 1957. The latter extension was to June 1, 1959.

The President recommended, on January 19, 1959, that the act be extended "to permit further timely improvements in the structure of the executive branch." Pursuant to this recommendation, the Bureau of the Budget transmitted draft legislation to the Congress which proposed that the act be amended to grant the reorganization authority to the President on a permanent basis.

The Committee on Government Operations reported the bill submitted by the Bureau of the Budget, with an amendment extending the provisions of the act for 2 years after its expiration date, or to June 1, 1961. The House of Representatives approved a bill identical to the bill as reported by the Senate Committee on Government Operations, but both bills died on the calendar at the end of the 86th Congress and, unless a further extension is approved by the 87th Congress, the incoming President will be denied the authority to present plans designed to reorganize the

Government as he may determine to be appropriate, which authority has been granted in various forms to all Presidents since 1932.

Under provisions of the act, as proposed to be amended by the bill now being filed, such reorganization plans as may be submitted to the Congress by the President before June 1, 1963, would become law unless disapproved by a majority of either the House or the Senate by the passage of a resolution of disapproval within 60 calendar days after submission to the Congress.

Since enactment of the basic statute in 1949, the Committee on Government Operations, as well as its predecessor, the Committee on Expenditures in the Executive Departments, has taken the position that the Congress should not surrender nor abrogate its legislative jurisdiction over matters of such significance on a permanent basis.

In its report to the Senate in the 86th Congress—Senate Report No. 239—the committee stated that it was "the consensus of the committee that the present Congress should not commit succeeding Congresses to the provisions of the Reorganization Act, but that each Congress should have the right to extend this authority to the President or to withdraw it as the necessity dictates at the time."

It is my understanding that both President Eisenhower and President-elect Kennedy will recommend extension of the Reorganization Act, and therefore, it is proposed that the Committee on Government Operations will give early, and I am confident, favorable action on the proposal I have submitted today so that this authority may be made available to the incoming President soon after his inauguration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 153) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963, introduced by Mr. McCLELLAN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations.

ADJUSTMENT OF LEGISLATIVE JURISDICTION OVER CERTAIN LANDS

Mr. McCLELLAN. Mr. President, on behalf of myself and the Senators from Utah [Mr. BENNETT and Mr. MOSS], I send to the desk for appropriate reference a bill to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes.

The purpose of this proposed legislation is to permit Federal agencies to restore to the States certain jurisdictional authority now vested in the United States, which may be better administered by State authorities, and to establish as congressional policy that the Federal Government will acquire only such jurisdiction as may be necessary in connection with future land procurement.

Under well established principles of law, once legislative jurisdiction has been vested in the United States, it cannot be revested in a State other than by operation of a limitation imposed by the State at the time the State ceded jurisdiction, or by an act of Congress.

The bill specifically declares it to be the policy of the Congress that, first, the Federal Government shall receive or retain only such measure of legislative jurisdiction over federally owned or operated land areas within the States as may be necessary for the proper performance of Federal functions; and, second, to the extent consistent with the purposes for which the land is held by the United States, the Federal Government shall avoid receiving or retaining concurrent jurisdiction or any measure of exclusive legislative jurisdiction. An overall objective of the bill is to provide that, in any case, the Federal Government shall not receive or retain any of the States legislative jurisdiction with respect to the qualifications for voting, education, public health and safety, taxation, marriage, divorce, descent and distribution of property, and a variety of other matters, which are ordinarily the subject of State control.

The proposed legislation would authorize the head or authorized officer of any department or independent establishment or agency of the Federal Government to relinquish to the State in which any Federal lands or interests therein under this custody or control are situated, such measure of legislative jurisdiction over such lands or interests therein as he may deem desirable. The bill provides that, with respect to future acquisitions of property, no more jurisdiction than is necessary for the proper performance of the functions of the acquiring agency should be obtained. Any relinquishment of the Federal Government will be subject to acceptance by the State in such manner as the law of such State might provide.

Other provisions of the bill would authorize Federal department and agency heads to issue necessary rules and regulations for the governing of public buildings and other areas under their charge and control, and to provide such reasonable penalties, within prescribed limits, as will insure their enforcement; permit such heads to utilize the facilities of existing law-enforcement agencies for the enforcement of any such regulations; authorize the General Services Administration to detail special policemen for the protection of Federal property under the charge of other departments and agencies; extend the authority of U.S. commissioners to try and sentence persons committing petty offenses in any place under the charge and control of the United States; extend the right of States and their political subdivisions to serve and execute process in areas under the legislative jurisdiction of the United States, while making it clear that such process may not be served contrary to rules and regulations issued by authorized Federal personnel for the purpose of preventing interference in carrying out Federal functions; and to

amend or repeal obsolete or inconsistent Federal statutes.

This proposed legislation was originally drafted by the staff of the committee with the cooperation of the Department of Justice, in order to implement recommendations contained in a report by the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, a committee appointed by the President for the purpose of finding means of solving the problems arising out of the uncertain jurisdictional status of Federal lands situated within the several States. The committee was composed of representatives of eight executive departments and agencies of the Federal Government, including the Bureau of the Budget, which had a principal interest in the problems involved. Twenty-five other agencies of the Federal Government furnished information concerning their properties and problems relating to legislative jurisdiction to the committee. In addition, the Interdepartmental Committee had the assistance and cooperation of the National Association of Attorneys General in its conduct of the study.

Following the introduction of the bill in its original form in the 84th Congress—S. 4196—the Committee on Government Operations forwarded copies to the Governors and attorneys general of the several States and to all interested Federal agencies for comments and recommendations. Reports were received from 36 States—31 State Governors and 29 State attorneys general—all of whom endorsed the objectives of the bill and recommended favorably committee consideration. Certain of the Governors and attorneys general of the States requested that the committee withhold action in the 84th Congress, however, until a study of the provisions of the bill could be completed by the State Committee on Legislative Jurisdiction of the Council of State Governments. That committee was appointed by the president of the council pursuant to a resolution adopted by the States for the purpose of considering this legislation. The committee appointed for this purpose was directed to give consideration to certain suggested amendments to the original bill, and to determine whether or not it would be feasible to extend its provisions beyond its original intent by incorporating certain suggestions made by various State officials.

Upon completion of the study made by the Committee on Legislative Jurisdiction, the staff of the Committee on Government Operations arranged conferences between the representatives of the Council of State Governments and of the Department of Justice for the purpose of perfecting the bill by incorporating appropriate amendments. Following a number of such conferences, during which consideration was given to the various recommendations of the Governors, attorneys general, and the Council of State Governments, an amendment in the nature of a substitute for the language incorporated in the original bill was drafted, with the unanimous approval of representatives of the States

and the executive branch of the Federal Government. Consideration was given to all recommendations submitted to the committee by the Governors of the States, and by the National Association of Attorneys General, the National Association of Tax Administrators, and Federal agencies interested in the bill, which were consistent with the objectives of the proposed legislation.

Some of the suggestions submitted to the Committee on Government Operations by certain of the State officials and by the National Association of Tax Administrators dealt with tax matters which were considered to be outside of the scope of the recommendations of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States. Such suggestions were largely concerned with tax problems, such as payments by the Federal Government in lieu of taxes, and so forth, which the committee felt would be considered in separate legislation dealing exclusively with those problems. Specific proposals pertaining to those problems were incorporated in other legislation approved by the committee, and which passed the Senate in the 86th Congress.

The bill I am introducing today is not concerned with tax matters, except to the extent that a transfer of legislative jurisdiction may involve transfer of a power to tax—other than the Government or its property—and also to the extent that there are preserved certain Federal consents to State and local taxation, as embodied in such statutes as the Buck Act and the Lea Act.

In the 86th Congress the committee approved a bill, S. 1617, incorporating the amendments which were considered to be desirable, and in accord with the recommendations of the groups which had cooperated in drafting the bills in the 84th and 85th Congresses, including clarification of the provisions of the bill as they related to civil rights, conservation, Alaska, and Indian lands. Pursuant to a directive from the committee, the staff had contacted officials of the Department of Justice and representatives of the Council of State Governments who assisted in the preparation of the proposed legislation in order to verify that all of them were fully in accord with its provisions.

On May 11, 1959, the committee received a memorandum from Assistant Attorney General Perry W. Morton, clarifying the points raised to the satisfaction of the committee, and on June 18, 1959, the committee ordered S. 1617 reported. Details concerning these and other matters including background and agency comments will be found in Senate Report No. 405 of the 86th Congress.

The measure was debated further on May 27, 1960, and, after the adoption of one clarifying amendment offered by Senator JAVITS, which related to the service of civil and criminal process in Federal areas subject to Federal rules and regulations, the bill was passed without opposition. On May 31, 1960, S. 1617 was referred to the House Committee on Government Operations which took no further action.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued January 31, 1961
For actions of January 30, 1961
87th-1st, No. 19

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HIGHLIGHTS: Both Houses received the President's State-of-Union message. Senate committee reported bill to extend Reorganization Act. Sen. Ellender introduced user charges bill.

SENATE

1. STATE OF THE UNION. Both Houses received the President's state of the Union address (H. Doc. 73). The President stated that he would propose various measures to the Congress within the next 14 days, including measures to provide more food to the families of the unemployed and aid to their needy children, to redevelop our areas of chronic labor surplus, to encourage price stability, and to increase the development of our natural resources. He recommended that a food-for-peace mission be sent immediately to Latin America to explore ways in which our vast food abundance can be used to help end hunger and malnutrition in those countries. pp. 1289, 1360-4, 1329-30
2. REORGANIZATION. The Government Operations Committee reported without amendment S. 153, to amend the Reorganization Act of 1949 so as to provide that the provisions of the Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963 (S. Rept. 23). p. 1294

3. ELECTRIFICATION. Sen. Goldwater commented on the appointment of John Baker as Director of Agricultural Services in this Department, stating that with Mr. Baker's appointment he was sure "there will be no effort to get the REA out from the Department of Agriculture." Also he stated that if Clyde Ellis is appointed REA Administrator "there is no question in the minds of most of us about the position he would take on the subject of electric companies versus Government power." p. 1356
 4. WATER RESOURCES. Sen. Kerr submitted and discussed the report of the Select Committee on National Water Resources on water resources of the U. S. (S. Rept. 29). He stated that the report carries a message of deep urgency regarding water resources and that the new administration "is gearing for action, ready to tackle these critical problems which are challenging the present and threatening the future." pp. 1344-53
 5. DEPRESSED AREAS. Sen. Gruening discussed unemployment conditions in Alaska, and urged enactment of legislation to provide Federal aid to economically depressed areas. pp. 1332-3
Sen. Carroll inserted a Colo. Legislature memorial urging that certain counties in that State be included in any legislation to aid depressed areas. p. 1293
 6. PERSONNEL; STOCKPILING. Sen. Byrd submitted reports of the Joint Committee on Reduction of Nonessential Federal Expenditures on Federal employment and pay for Dec. 1960 and on Federal stockpile inventories as of Nov. 1960, including CCC commodity inventories. pp. 1294-1304
 7. FLOOD CONTROL. Received from the Budget Bureau a proposed bill to provide uniform cost-sharing standards for non-Federal entities cooperating with the Federal Government in local flood protection or flood prevention projects; to Public Works Committee. p. 1290
 8. FORESTRY. Received an Idaho Legislature resolution urging that immediate attention be given "to the problem of raising U. S. import duties on lumber and wood products with those of Canada." p. 1291
Received an Idaho Legislature resolution urging Congress to give attention to "the present need for uniform motor freight rate regulations among the several States in the Northwest" so that lumber producers could truck their products to market if unable to obtain reasonable freight rates. p. 1291
 9. FARM YOUTH. Sen. Mansfield commended the international farm youth exchange program and inserted an article, "Montana Farm Youth Shows How To Bring World Peace." pp. 13330-1
 10. FARM LABOR. The Committee on Labor and Public Welfare was granted an extension of time from Jan. 31 to Feb. 21, 1961, to file a report on its study of problems of migratory labor. p. 1325
- HOUSE
11. YOUTH CORPS. In order to further a discussion of President Kennedy's proposal of a Youth Corps, Rep. Reuss included his article on the Youth Corps, which discussed the purpose, size, and some of the questions concerning the organization of the Youth Corps. pp. 1371-3

TO FURTHER AMEND THE REORGANIZATION ACT OF 1949

JANUARY 30, 1961.—Ordered to be printed

Mr. McCLELLAN, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany S. 153]

The Committee on Government Operations, to whom was referred the bill (S. 153) to further amend the Reorganization Act of 1949, as amended, so that such act would apply to reorganization plans transmitted to the Congress at any time before June 1, 1963, having considered the same report favorably thereon without amendment and recommend that the bill do pass.

The objective of this proposed legislation is to reinstate the authority granted to the President by the Reorganization Act of 1949, as amended, to submit reorganization plans to the Congress for reorganizations in the executive branch of the Government. This authority expired on June 1, 1959.

The Reorganization Act of 1949 was approved by the Congress as a method of expediting reorganizations within the executive branch of the Government. The 1949 act, which was primarily directed toward effecting prompt action on the recommendations of the first Hoover Commission, gave the President much wider latitude than the 1945 act by eliminating exemptions of specified agencies and authorizing him to submit reorganization plans providing for the creation of new departments within the executive branch at the Cabinet level.

The act was extended after its original expiration date on April 1, 1953, for 2-year periods in 1953, 1955, and 1957. The latter extension was to June 1, 1959.

In the 86th Congress, the Committee on Government Operations reported a bill extending the provisions of the act for 2 years after its expiration date, or to June 1, 1961. The House of Representatives approved an identical bill but both the Senate and House measures died on the Senate Calendar at the end of the 86th Congress. Unless a further extension is approved by the 87th Congress, the President will be denied the authority to present plans designed to reorganize

the Government as he may determine to be appropriate, which authority has been granted in various forms to all Presidents since 1932.

Under provisions of the act, as proposed to be amended by S. 153, such reorganization plans as may be submitted to the Congress by the President before June 1, 1963, would become law unless disapproved by a majority of either the House or the Senate by the passage of a resolution of disapproval within 60 calendar days after submission to the Congress.

Since enactment of the basic statute in 1949, the Committee on Government Operations, as well as its predecessor, the Committee on Expenditures in the Executive Departments, has taken the position that the Congress should not surrender nor abrogate its legislative jurisdiction over matters of such significance on a permanent basis.

In its report to the Senate in the 86th Congress (S. Rept. 239) the committee stated that it was "the consensus of the committee that the present Congress should not commit succeeding Congresses to the provisions of the Reorganization Act, but that each Congress should have the right to extend this authority to the President or to withdraw it as the necessity dictates at the time."

According to information submitted to the committee, President Kennedy will recommend extension of the Reorganization Act and, therefore, the Committee on Government Operations, in an effort to expedite action, recommends favorable action on the bill at an early date.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

[PUBLIC LAW 109—81ST CONGRESS]

(As Amended)

[CHAPTER 226—1ST SESSION]

[H.R. 2361]

AN ACT

To provide for the reorganization of Government agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

SECTION 1. This Act may be cited as the Reorganization Act of 1949".

NEED FOR REORGANIZATIONS

SEC. 2. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall

determine what changes therein are necessary to accomplish the following purposes:

(1) to promote the better execution of the laws, the more effective management of the executive branch of the Government and of its agencies and functions, and the expeditious administration of the public business;

(2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;

(3) to increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(6) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

REORGANIZATION PLANS

SEC. 3. Whenever the President, after investigation, finds that—

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) the abolition of all or any part of the functions of any agency; or

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the authorization of any officer to delegate any of his functions; or

(6) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganization plan will not have any functions,

is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the reorganizations, as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each reorganization included in the plan, he has found that such reorganization is necessary to accomplish one or more of the purposes of section 2(a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function included in the plan the

statutory authority for the exercise of such function, and shall specify the reduction of expenditures (itemized so far as practicable) which it is probable will be brought about by the taking effect of the reorganizations included in the plan.

OTHER CONTENTS OF PLANS

SEC. 4. Any reorganization plan transmitted by the President under section 3—

(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more other officers of any agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan such provisions are necessary. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of that found by the President to prevail in respect of comparable officers in the executive branch, and, if the appointment is not under the classified civil service, it shall be by the President, by and with the advice and consent of the Senate, except that, in the case of any officer of the municipal government of the District of Columbia, it may be by the Board of Commissioners or other body or officer of such government designated in the plan;

(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any reorganization;

(4) shall make provision for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with any function or agency affected by a reorganization, as he deems necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have such functions after the reorganization plan is effective, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

(5) shall make provision for terminating the affairs of any agency abolished.

LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATIONS

SEC. 5. (a) No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of—

(1) abolishing or transferring an executive department or all the functions thereof or consolidating any two or more executive departments or all the functions thereof; or

(2) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(3) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made; or

(4) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

(5) increasing the term of any office beyond that provided by law for such office; or

(6) transferring to or consolidating with any other agency the municipal government of the District of Columbia or all those functions thereof which are subject to this Act, or abolishing said government or all said functions.

(b) No provision contained in a reorganization plan shall take effect unless the plan is transmitted to the Congress before June 1, [1959.] 1963.

TAKING EFFECT OF REORGANIZATIONS

SEC. 6. (a) Except as may be otherwise provided pursuant to subsection (c) of this section, the provisions of the reorganization plan shall take effect upon the expiration of the first period of sixty calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty day period there has not been passed by either of the two Houses, a resolution stating in substance that the House does not favor the reorganization plan.

(b) For the purposes of subsection (a)—

(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

(c) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

DEFINITION OF "AGENCY"

SEC. 7. When used in this Act, the term "agency" means any executive department, commission, council, independent establishment, Government corporation, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government, and means also any and all parts of the municipal government of the District of Columbia except the courts thereof. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government.

MATTERS DEEMED TO BE REORGANIZATIONS

SEC. 8. For the purposes of this Act the term "reorganization" means any transfer, consolidation, coordination, authorization, or abolition, referred to in section 3.

SAVING PROVISIONS

SEC. 9. (a)(1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed in respect of or by any agency or function affected by a reorganization under the provisions of this Act, before the effective date of such reorganization, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, have the same effect as if such reorganization had not been made; but where any such statute, regulation, or other action has vested the function in the agency from which it is removed under the plan, such function shall, insofar as it is to be exercised after the plan becomes effective, be considered as vested in the agency under which the function is placed by the plan.

(2) As used in paragraph (1) of this subsection the term "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such reorganization plan takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization effected by such plan or, if there be no such successor, against such agency or officer as the President shall designate.

UNEXPENDED APPROPRIATIONS

SEC. 10. The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

PRINTING OF REORGANIZATION PLANS

SEC. 11. Each reorganization plan which shall take effect shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

TITLE II

SEC. 201. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 202. As used in this title, the term "resolution" means only a resolution of either of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the———does not favor the reorganization plan numbered———transmitted to Congress by the President on———, 19—", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; and does not include a resolution which specifies more than one reorganization plan.

SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SEC. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten calendar days after its introduction, it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

SEC. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

SEC. 206. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

Approved June 20, 1949.

APPENDIX A

Action taken by the 81st, 82d, 83d, 84th, 85th, and 86th Congresses on reorganization plans under authority of the Reorganization Act of 1949, as amended, follows:

Action on reorganization plans, 81st Cong.

REORGANIZATION PLANS OF 1949

Plan No.	Title	Senate resolution of disapproval No.	S. Rept. No.	Senate vote on resolution of disapproval		
				Yeas	Nays	Date
1	Department of Welfare.....	147	¹ 851	60	32	Aug. 16, 1949
2	Bureau of Employment Security.....	151	² 852	³ 4 32	57	Aug. 17, 1949
3	Post Office Department.....	None	837			
4	National Security Council and National Security Resources Board.....	None	838			
5	Civil Service Commission.....	None	839			
6	Maritime Commission.....	None	840			
7	Public Roads Administration.....	155	927	² 40	47	Aug. 17, 1949
8	National Military Establishment ⁴	None	None			

REORGANIZATION PLANS OF 1950

1	Department of Treasury.....	246-247	⁶ 1518	65	13	May 11, 1950
2	Department of Justice.....	None	1683			
3	Department of Interior.....	None	1545			
4	Department of Agriculture.....	263	⁶ 1566	(⁷)		May 18, 1950
5	Department of Commerce.....	259	⁶ 1561	³ 4 29	43	May 23, 1950
6	Department of Labor.....	None	1684	(⁴)		
7	Interstate Commerce Commission.....	253	⁶ 1567	66	13	May 17, 1950
8	Federal Trade Commission.....	254	1562	³ 34	37	May 22, 1950
9	Federal Power Commission.....	255	1563	² 37	36	Do.
10	Securities and Exchange Commission.....	None	1685			
11	Federal Communications Commission.....	256	1564	50	23	May 17, 1950
12	National Labor Relations Board.....	248	⁶ 1516	53	30	May 11, 1950
13	Civil Aeronautics Board.....	None	1686			
14	Labor Standards Enforcement.....	None	1546			
15	Alaska and Virgin Islands Public Works Assistance to School Districts and Water Pollution Control.....	None	1547			
17	Advance Planning and War Public Works.....	None	1548			
18	Building and Space Management Functions.....	271	1676	² 29	43	May 23, 1950
19	Employees' Compensation Functions.....	270	1675	² 7	69	Do.
20	Statutes at Large and Other Matters.....	None	1549			
21	Maritime Commission.....	None	1550			
22	Federal National Mortgage Association.....	265	1674	³ 14	59	May 19, 1950
23	Loans for Factory Built Homes.....	299	1936	³ 30	43	July 6, 1950
24	RFC to Department of Commerce.....	None	1870			
25	National Security Resources Board.....	290	1868	(⁴ 7)		July 6, 1950
26	Department of the Treasury ⁵	None	None			
27	Department of Health, Education, and Security ⁹	None	1869			
		302	1943	(¹⁰)	(¹⁰)	(¹⁰)

¹ Report in 3 separate parts: 1 majority and 2 minority.

² Report in 2 separate parts: 1 majority and 1 minority.

³ Senate failed to pass disapproving resolution by necessary 49 votes, and plan became effective.

⁴ Disapproving resolution in House failed of passage by voice vote.

⁵ Superseded by Public Law 216, Aug. 10, 1949.

⁶ Report contains majority and minority views.

⁷ Senate approved resolution by voice vote.

⁸ Same as plan No. 1 of 1950, except that Comptroller of the Currency is excluded.

⁹ Designed to overcome objections to plan No. 1 of 1949.

¹⁰ House adopted disapproving H. Res. 647 by vote of 249 to 71 on July 10, 1950 (H. Rept. 2320).

Action on reorganization plans, 82d Cong.

REORGANIZATION PLAN OF 1951

Plan No.	Title	Senate resolution of disapproval No.	S. Rept. No.	Senate vote on resolution of disapproval		
				Yeas	Nays	Date
1	Reconstruction Finance Corporation.....	76	¹ 213	² 41	33	Apr. 13, 1951

REORGANIZATION PLANS OF 1952

1	Bureau of Internal Revenue.....	285	1259	² 37	53	Mar. 13, 1952
2	Post Office Department.....	317	³ 1747	56	29	June 18, 1952
3	Bureau of Customs, Treasury Department.....	331	⁴ 1748	51	31	Do.
4	Department of Justice (U.S. marshals).....	330	⁴ 1749	55	28	Do.
5	District of Columbia.....	None	1735	-----	-----	-----

¹ Report contains majority and minority views.² Senate failed to pass disapproving resolution by necessary 49 votes, and plan became effective.³ House rejected disapproving H. Res. 142 by vote of 200 to 198 on Mar. 14, 1951 (H. Rept. 188).⁴ Disapproving resolution in House failed of passage by voice vote.⁵ Report in 2 separate parts; 1 majority and 1 minority.*Action on reorganization plans, 83d Cong.*

REORGANIZATION PLANS OF 1953

Plan No.	Title	Senate resolution of disapproval No.	S. Rept. No.	Senate vote on resolution of disapproval		
				Yeas	Nays	Date
1	Department of Health, Education, and Welfare.....	None	128	-----	-----	-----
2	Department of Agriculture.....	100	297	29	46	May 27, 1953
3	Office of Defense Mobilization.....	None	-----	-----	-----	-----
4	Department of Justice.....	None	-----	-----	-----	-----
5	Export-Import Bank of Washington.....	None	-----	-----	-----	-----
6	Department of Defense ¹	None	-----	-----	-----	-----
7	Foreign Operations Administration.....	None	-----	-----	-----	-----
8	U.S. Information Agency.....	None	-----	-----	-----	-----
9	Council of Economic Advisers.....	None	-----	-----	-----	-----
10	Payments to Air Carriers.....	None	-----	-----	-----	-----

REORGANIZATION PLANS OF 1954

1	Foreign Claims Settlement Commission of the United States.....	None	-----	-----	-----	-----
2	Liquidation of Certain Affairs of the Reconstruction Finance Corporation.....	None	-----	-----	-----	-----

¹ Referred to the Senate Committee on Armed Services under an agreement entered into between the 2 committees.*Action on reorganization plans, 84th Cong.*

REORGANIZATION PLANS OF 1956

Plan No.	Title	Senate resolution of disapproval No.	S. Rept. No.	Senate vote on resolution of disapproval		
				Yeas	Nays	Date
1	Department of Defense.....	¹ None	None	-----	-----	-----
2	Federal Savings and Loan Insurance Corporation.....	¹ 291	2388	-----	-----	-----

¹ H. Res. 534, disapproving plan No. 1, and H. Res. 541, disapproving plan No. 2, were approved by the House of Representatives on July 5, 1956, by voice vote. Senate action was therefore unnecessary.

10 TO FURTHER AMEND THE REORGANIZATION ACT OF 1949

Action on reorganization plans, 85th Cong.

REORGANIZATION PLANS OF 1957

Plan No.	Title	Senate resolution of disapproval No.	S. Rept. No.	Senate vote on resolution of disapproval		
				Yeas	Nays	Date
1	Abolition of the Reconstruction Finance Corporation ¹	None	None	-----	-----	-----

REORGANIZATION PLANS OF 1958

1	Consolidation of Federal Civil Defense Administration with Office of Defense Mobilization ²	297	1717	-----	-----	-----
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¹ Became effective, June 30, 1957.

² Became effective, July 1, 1958.

Action on reorganization plans, 86th Cong.

REORGANIZATION PLANS OF 1959

Plan No.	Title	Senate resolution of disapproval No.	S. Rept. No.	Senate vote on resolution of disapproval		
				Yeas	Nays	Date
1	Transfer of certain functions from the Secretary of the Interior to the Secretary of Agriculture ^{1 2}	None	None	-----	-----	-----

¹ H. Res. 295, disapproving plan, approved by House of Representatives on July 7, 1959.

² H.R. 7681, to enact the provisions of plan No. 1 of 1959, with certain amendments, became Public Law 86-509 on June 11, 1960.



87TH CONGRESS
1ST SESSION

S. 153

[Report No. 28]

IN THE SENATE OF THE UNITED STATES

JANUARY 5 (legislative day, JANUARY 4), 1961

Mr. McCLELLAN (for himself, Mr. JACKSON, Mr. HUMPHREY, and Mr. ERVIN) introduced the following bill; which was read twice and referred to the Committee on Government Operations

JANUARY 30, 1961

Reported by Mr. McCLELLAN, without amendment

A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (b) of section 5 of the Reorganization Act
4 of 1949 (63 Stat. 205; 5 U.S.C. 133z-3), as last amended
5 by the Act of September 4, 1957 (71 Stat. 611), is hereby
6 further amended by striking out "June 1, 1959" and insert-
7 ing in lieu thereof "June 1, 1963".

87TH CONGRESS
1ST SESSION

S. 153

[Report No. 28]

A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

By Mr. McCLELLAN, Mr. JACKSON, Mr.
HUMPHREY, and Mr. ERVIN

JANUARY 5 (legislative day, JANUARY 4), 1961

Read twice and referred to the Committee on Government Operations

JANUARY 30, 1961

Reported without amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of February 6, 1961
87th-1st, No. 22

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HIGHLIGHTS: Senate passed bill to extend Reorganization Act. Sen. Morse urged expanded reforestation program for national forests. Sen. Williams, Del., introduced and discussed bill to require State or local participation in disaster relief programs. Sen. Bennett introduced and discussed bill to make permanent National Wool Act. Rep. Morris introduced and discussed sugar bill.

SENATE

1. REORGANIZATION. Passed without amendment S. 153, to extend the Reorganization Act of 1949 so that the provisions of the Act will apply to reorganization plans transmitted by the President to the Congress at any time before June 1, 1963. pp. 1661-6
2. BALANCE OF PAYMENTS; FOREIGN TRADE. Both Houses received from the President a message on the international balance of payments situation, particularly with respect to gold (H. Doc. 84). pp. 1637-8, 1705-8
In his message the President stated that our agricultural industry must make its full contribution to our payments balance, and that he was "directing the Secretary of Agriculture to report on all feasible and internationally desirable means of expanding our exports of farm products, and to emphasize the need for great expansion as a primary objective of our new farm programs."

Sens. Bush and Cooper commended the President's message. pp. 1678, 1694-5

3. FORESTRY. Sen. Morse urged an increase in the rate of reforestation of our national forests and inserted correspondence with the Forest Service on the present need for the reforestation of the forests. pp. 1692-4
4. FARM LABOR. Sen. Holland referred to a recent television program, "Harvest of Shame," depicting certain conditions of migratory farm workers, stated that the migratory labor program was "grossly unfair to both migrant agricultural workers and their employers," and discussed some of the "specific misrepresentations" of the program. pp. 1669-71
5. ANIMAL RESEARCH. Sen. Morse referred to a bill (S. 3570) introduced in the 86th Congress to provide rules and regulations for the humane treatment of experimental animals by research groups receiving Federal research funds, and stated that as a result of protests received from research groups he felt that the bill should be modified if it is introduced in the present Congress. Sen. Cooper stated that he planned to reintroduce the bill but would consider certain modifications as a result of suggestions made by the research groups. pp. 1689-92
6. SEEDS. Sen. Morse urged action by the Tariff Commission to restrict the importation of seeds in order to protect seed production in this country and inserted a release of the Oregon Crop and Livestock Reporting Service, "Oregon Seed Crops, 1960 Annual Summary -- Total Production and Value Down." pp. 1687-9
7. DEPRESSED AREAS. Sen. Byrd, W. Va., expressed concern over the unemployment situation in W. Va., and urged enactment of legislation to provide Federal aid to economically depressed areas. pp. 1679-83
8. FARM PROGRAM. Sen. Young, N. Dak., expressed concern "about the rift that has developed in recent years between farm and nonfarm people," and inserted two newspaper articles in defense of farmers. pp. 1671-2
9. FOOD FOR PEACE. Sen. Humphrey inserted the report of the Food for Peace Committee appointed by former Sen. Kennedy on Oct. 31, 1960, "The Food for Peace Program, which discusses ways our surplus food can be used for overseas relief. pp. 1655-9
10. FOOD MARKETING. Received from the Federal Trade Commission a publication, "Economic Inquiry Into Food Marketing -- Interim Report on Frozen Fruit, Juices, and Vegetables." p. 1638
11. FOREIGN TRADE. Received the annual report of the Tariff Commission. p. 1638
12. ADJOURNED until Thurs., Feb. 9. p. 1697

HOUSE

13. FARM PROGRAM. Rep. Gross inserted a speech given by Carl H. Wilken, director of research for the National Foundation of Economic Stability, which had been presented to the Farmers Grain Dealers Association of Iowa. Mr. Wilken concluded that prices of farm products and other raw materials must be in balance with wages and capital costs if farmers are to earn the income required to buy the production needed to meet payrolls and capital costs. He stated that agriculture

nuclear-powered submarines make the services of Admiral Rickover more necessary than ever for our country's strength.

THE NEED TO STUDY CONFLICT-OF-INTEREST LEGISLATION

Mr. KEATING. Mr. President, on January 26 I cosponsored and commented on two conflict-of-interest bills which have been referred to the Judiciary Committee. It is my impression that a great many people would like to see the Congress revise and update our conflict-of-interest statutes and seriously study ways in which to apply similar statutes to the Members of the Congress. We cannot have a double standard in national ethics.

The recent confirmation of the nominations which President Kennedy submitted to the Congress raised a number of questions about the severity and impact of the conflict of interest statutes which now apply to the executive branch. This would be an appropriate time to review this entire matter and at the same time carefully study the ways in which to implement new conflict of interest statutes to apply to Members of Congress and employees of the legislative branch.

The New York City Bar Association has done a significant amount of research in this area and has presented a number of proposals which would be of interest to the committee. A great many other groups and interested individuals have developed ideas and programs which would be well worth our study.

Mr. President, last month, the Washington Post commented editorially on the need to undertake such hearings. Their editorial has just been called to my attention. It is an excellent and thoughtful statement on the need to revise and restructure our executive conflict-of-interest statutes. I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PRICE OF SERVICE

The Senate Armed Services Committee has taken the only obvious course open to it under the law in requiring incoming high Defense Department officials to give up all financial interest in firms doing business with the Department. The law has been interpreted to require divestiture even though the interest may be small and the connection remote between said business and the official's duties. The holding of 10 shares in an electric company that sells power to some remote airbase, or a share in almost any paper clip company are, we take it, verboten. The law was thus applied to Mr. Eisenhower's Secretaries and could hardly be softened by a mere committee consent.

So vast and varied are the operations of the Defense Department that there is hardly any important industrial investment opportunity that is not foreclosed under this interpretation of the law. The statute is nearly a century old but, on its face, remains as fair and necessary as any simple rule in this field can be. The effect today, however, is to demand wholly outrageous sacrifices for an opportunity to serve.

The several ways suggested in the hearings by which the law's effect could be softened without compromising its basic intent ought

now to have the fresh and sympathetic attention of Congress. And while they are at it, Members might well look to their own favored legal position in this respect. They could more gracefully exact these tributes to purity from others if they themselves had to make at least some formal accounting of potential conflicts.

INTERNATIONAL TRADE FAIR—SEATTLE, WASH.

Mr. MAGNUSON. Mr. President, the only international trade fair scheduled annually in the United States west of Chicago is celebrating its 10th anniversary in Seattle, Wash., April 20-30, 1961. It is the oldest international trade fair in the United States.

This is the Washington State International Trade Fair, a nonprofit organization supported by the State of Washington, by ports of entry in our State and by business and labor organizations in our area.

Through its first 9 years our trade fair has been a display of products and a cultural exchange between all the nations of the Pacific Rim. It has grown constantly larger and more effective and this year is expanding to include European and African nations for the first time.

Our trade fair is a meeting place for buyers and sellers. It includes a merchandising clinic where American business methods are fully explained and demonstrated to our visitors' satisfaction. It is a place where lasting associations are formed for mutual profit and friendship.

This annual international gathering on the shores of Puget Sound is a reminder that we are all neighbors in the modern world.

The personnel who come from Europe to our trade fair arrive in 10½ hours and American store buyers, representing 43 million Americans reach Seattle by jet in less than 2 hours.

Thus, buyers and sellers from all over the world meet in Seattle as quickly as they met only a few years ago, at a county seat.

We invite all of you to our trade fair to see the remarkable displays and to meet with our friends and business associates from all over the world.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, if there is no further business in the morning hour, I shall move that the Senate proceed to the consideration of legislative business, Calendar No. 28, S. 153.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

AMENDMENT OF REORGANIZATION ACT OF 1949

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 24, S. 153.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 153) to further amend the Reorganization Act of 1949, as amended, so that such act will

apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. HUMPHREY. Mr. President, I understand the distinguished Senator from Arkansas desires to discuss the reorganization bill.

Mr. McCLELLAN. Mr. President, there is nothing new in the proposed legislation. The bill would simply extend the Reorganization Act, in all of its terms and provisions, identically as it is at present. It would extend until June 1963, the time for the President to exercise the authority and powers which the present act confers upon him.

In times past, in the course of the development of the present law, controversies have arisen with respect to its provisions, its limitations, the authority it grants, and the veto power of Congress with respect to reorganization plans. The conflicting views, however, over the past dozen years, have finally been resolved. Each side has made some concessions. The result is that the statute now, in my opinion, adequately preserves the integrity of the legislative process, and, at the same time, confers upon the President the power to reorganize the executive branch of the Government. No agency of the executive branch of the Government is now exempt from that authority. This was not true in the original acts passed by Congress.

So far as I know, there is no objection to the bill or to the statute in its present form.

The power to reorganize has been given to past Presidents; certainly the same authority should be accorded to President Kennedy and the new administration. I therefore trust the bill as reported by the committee will pass.

Mr. HUMPHREY. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. HUMPHREY. I join with the distinguished Senator from Arkansas in his statement relating to this proposal. The President and the new administration need the new reorganization authority, as did the preceding administrations. As the Senator has so well stated, we in the Committee on Government Operations believe, as a result of the many times this legislation has been before Congress, that the so-called wrinkles have been ironed out; that we have been able to arrive at a working relationship between the two Houses of Congress and the executive branch, so that all possible authority that is required for an effective reorganization is granted, while at the same time the legislative branch has not abrogated its responsibility in the field of legislative action.

Mr. McCLELLAN. I think that is true. No one has received everything he wants in the proposed legislation; but I do not believe there is anything really at issue now which is fundamental to either side. I believe the bill pro-

vides adequate power for the President, in all areas of the executive branch of the Government, to submit reorganization plans, even to the extent of establishing new departments of government. That was an issue at one time.

Mr. HUMPHREY. Yes.

Mr. McCLELLAN. At one time there were as many as 21 different agencies. That situation simply limited the President's field of operations to such a point that it was almost ineffective. In my judgment, the bill in its present form contains adequate safeguards for Congress and adequate, broad authority for the President to accomplish the results desired.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the distinguished minority leader.

Mr. DIRKSEN. President Eisenhower was fully aware of the need for authority of this kind, because of the ponderous nature of government and the growing complications and functions of government year after year. As a matter of fact, the question of reorganization and the extension of the act on a permanent basis were matters for leadership discussion. I made some endeavor in the last Congress to secure the consideration of the President's bill for a permanent Reorganization Act.

I have no objection to the extension of the act for a 2-year period, but I want the record to be abundantly clear that the previous administration was fully aware of the need for the reorganization authority and endeavored to secure its enactment; but, tragically enough, we failed. I am grateful, therefore to the distinguished Senator from Arkansas for bringing the bill before the Senate at an early date in the new session, because I think what is sought is necessary. The reorganization of the Government is a continuing process, one which must be carried on almost constantly.

Mr. McCLELLAN. I thank the distinguished minority leader. There are different views with respect to whether the act should be made permanent. As we proceed each 2 years to reevaluate and renew the authority and to extend the act further, we may all conclude later that the authority should be made permanent and, therefore, not be subject to review each 2 years by Congress.

The fact that today the Senate can consider a bill without any change in the last statute enacted is indicative that if reorganization powers are needed continuously, now that the issues have been resolved, hereafter we might well consider making the authority permanent, though I am not making an unreserved committal at the moment. However, I think it has been well that we did not make it permanent in the beginning, because in the processes of reviewing the act at intervals, we have so improved it that now I believe it is a pretty good law. The fundamental considerations of the executive branch and of Congress are pretty well protected.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the distinguished Senator from Washington.

Mr. MAGNUSON. I think that what the Senator from Arkansas says generally about the law and the objectives of the law is all right. The law deals, I know, with the whole executive establishment, but there are some agencies which are the arms of Congress, so established by law. In other words, they report to Congress. It is true that we allow the Executive to make the appointments to the agencies. Most of the nominations come for consideration before the Committee on Interstate and Foreign Commerce, of which I am the chairman. Those agencies include the Securities and Exchange Commission, the Civil Aeronautics Board, the Interstate Commerce Commission, and the Federal Power Commission, among others. In the basic law creating those agencies, which is very clear in its implication, they were intended to be creatures of Congress, to do certain work which Congress intended they should do. Congress could not spell out, for instance, the type of power license to be issued. We created the Federal Power Commission and said, "Let the Commission act for Congress and hold hearings and make the decisions."

Such agencies come under the executive branch of the Government only insofar as the President may appoint its members. Congress placed the appointive power with the President. The nominations of the commissioners are confirmed by Congress.

I have no objection to what the Senator from Arkansas or the administration is trying to do with respect to the reorganization of some of the agencies. I suppose no one has been more critical of the so-called independent agencies in the administration than I have. However, many of the agencies, such as the Interstate Commerce Commission, have had more work thrust upon them.

No one has been more critical of the independent agencies than I have been or my committee has been, and they have done some things which, in some cases, have required amendments to the law. We have submitted some proposed amendments. In other cases, the agencies weave around themselves a web from which they do not seem to be able to extricate themselves administratively. Sometimes there is a question of the sufficiency of personnel.

In addition, sometimes the number of the members of such a commission is at issue. I am not critical of individual commissioners; but it has been suggested that the Interstate Commerce Commission might be less unwieldy if, instead of having 11 members, it had 4, 5, or even 3 members.

It has been suggested, at the other extreme, that there be a director, and also a board of appeals, in case some persons did not like action which had been taken, and wished to appeal.

It is true, as was pointed out by the Landis report and by our committees during the last 5 or 6 years, that the average case before one of these agencies takes 15 or 16 months, and some-

times takes even years. The result of such delay is that the barn door may be locked after the horse has been stolen. In addition, many small firms, such as trucking concerns, cannot afford to have adequate representation before these agencies in Washington.

I believe that the members of these agencies individually do very fine work; but the collective situation is a bad one.

So the purposes of Senate bill 153 are good. However, we must remember that these agencies are arms of Congress.

Let me point out to the Senator from Arkansas that the Committee on Interstate and Foreign Commerce has jurisdiction over these agencies, which have been created chiefly in the field of transportation, interstate commerce, communications, railroads, buslines, pipelines, and so forth. Suppose the President sends to Congress a plan calling for reorganization of the Interstate Commerce Commission, let us say. Our committee has responsibility for that agency, and reports to the Senate the nominations of the members of the Commission, and makes recommendations regarding the action to be taken by the Senate on the nominations. Our committee is also constantly concerned with any necessary changes in the laws relating to the Commission. In other words, all that responsibility rests with the Committee on Interstate and Foreign Commerce. If such a message were sent to Congress, it would be referred to the Committee on Government Operations, headed by the Senator from Arkansas [Mr. McCLELLAN]; and our Committee on Interstate and Foreign Commerce would have nothing to say about the proposed reorganization, despite the fact that, actually, we believe such a reorganization should be made.

I refer to the practicalities of this situation and the responsibilities of the standing Senate committees in regard to these matters. In particular, I refer to the responsibility of our committee, because the situation as regards these agencies is unusual, inasmuch as they are arms of Congress. Is our committee to be abolished? Are we to be allowed to have anything to say about plans to reorganize these agencies? It is true that we have an opportunity to testify before the Government Operations Committee, and the Senator from Arkansas would be most generous in that respect. But this situation is one which we confront from day to day in regard to measures which relate to activities in interstate and foreign commerce, which are the responsibility of our committee.

Mr. McCLELLAN. Mr. President, the Senator from Washington is actually referring to the rules of the Senate. I have no authority to make any committal which would contravene the rules of the Senate.

My own view is that there would never be any objection by me, as a Member of the Senate, to having the committee which has jurisdiction of the subject matter concerned study such a plan and also make its recommendations.

But it is my understanding that—as the rules now provide—when a reorganization plan is sent to Congress, it is re-

ferred to the Committee on Government Operations; but in order to have any action taken on the plan, a resolution of disapproval must be submitted. Any Senator can submit it, as I understand. In other words, if no such resolution is submitted and voted on, the plan will go into effect. Is that correct?

Mr. MAGNUSON. Yes; that is my understanding.

Mr. McCLELLAN. So if such a reorganization plan came to the Congress, if the Senator from Washington decided that his committee wished to investigate and consider and hold hearings on the plan, the committee could proceed by means of authorizing the chairman of the committee to submit a resolution of disapproval, and that resolution would be referred to the Committee on Government Operations; and before that committee, the Senator from Washington could be heard. But there would never be any objection on my part to having any committee which had legislative jurisdiction of the subject matter also consider it. However, of course, I cannot change the rules of the Senate.

Mr. MAGNUSON. I understand that. But I am trying to work out some satisfactory arrangement, because this matter is a peculiar one. Our standing committees have jurisdiction over various fields. For instance, the Committee on Agriculture and Forestry has jurisdiction over that field, although the Executive has authority to determine the policies of the Department of Agriculture and to appoint the Secretary of Agriculture.

On the other hand, our Committee on Interstate and Foreign Commerce handles five independent regulatory agencies which are arms of the Congress; and those agencies report to the Congress, not to the Executive. So that places a somewhat different responsibility on our committee.

Personally, it is satisfactory to me to have the Committee on Government Operations take over this responsibility; and if that were done, it would save me a great deal of work.

Mr. McCLELLAN. But I am not seeking additional work.

Mr. MAGNUSON. However, I am not speaking for the committee.

The other day, in the Committee on Rules and Administration, we discussed this matter, and I was almost tempted to say that all of us might as well resign, and then attempt to be appointed to membership on the Committee of Government Operations.

Mr. McCLELLAN. I would not object to that—

Mr. MAGNUSON. Neither would I because the committee has an excellent chairman.

But the various standing committees have responsibility for the agencies to which such reorganizations relate.

Suppose there came to the Congress a message which called for reorganization of the Federal Power Commission or the Interstate Commerce Commission. The committee which works with those agencies and has to pass on the laws and the policies which affect them would then have nothing to say about such a reor-

ganization, except as that committee might report to the Committee on Government Operations.

Mr. McCLELLAN. The standing committee which has legislative authority in that field might report a resolution of disapproval.

Mr. MAGNUSON. But the committee would have to appear before the Committee on Government Operations, just as any other witness would, in order to discuss the resolution.

Mr. McCLELLAN. Of course the chairman of that committee and its other members would be welcome to appear before the Government Operations Committee. But, in my judgment, there is nothing to prevent the Committee on Interstate and Foreign Commerce, which has legislative jurisdiction, from immediately taking up any such reorganization plan which might be submitted; and that committee could consider a resolution of disapproval and could hold hearings on it, before it reported it.

Mr. HUMPHREY. That is correct.

Mr. MAGNUSON. Our committee could consider such a resolution and could hold all the hearings on it that it wished to, but could not vote on it.

Mr. McCLELLAN. Yes, it could be voted on by the Committee on Interstate and Foreign Commerce; and if our committee did not act on it within 10 days, that committee could submit a resolution to discharge our committee from further consideration of the resolution.

I understand what the Senator from Washington is referring to. However, so far as the rules of the Senate are concerned, I am powerless to make to the Committee on Interstate and Foreign Commerce some committal that I would have no authority to initiate.

Mr. MAGNUSON. I understand.

Mr. HUMPHREY. Mr. President, will the Senator from Washington yield to me?

Mr. MAGNUSON. I yield.

Mr. HUMPHREY. It seems to me this matter is not at all insoluble. First of all, if a majority of the Senate disagreed with a reorganization plan, the plan would be dead.

Mr. MAGNUSON. Yes.

Mr. HUMPHREY. If the Senate Committee on Interstate and Foreign Commerce, under the leadership of the Senator from Washington, held hearings on a plan which related to reorganization of one of the regulatory agencies which come within the jurisdiction of that committee, and if the committee subsequently expressed its disapproval of the proposed reorganization—

Mr. MAGNUSON. Or its approval.

Mr. HUMPHREY. Yes, either one. If it expressed its approval, that would have great effect in assuring all other Senators that the plan was satisfactory, because that committee is much more expert in regard to matters which relate to the entire area of the regulatory agencies.

If the committee expressed its disapproval, and then reported to the Senate a resolution of disapproval, certainly that would have its effect on the thinking of the other Members of the Senate. Indeed, I venture to say that such a reso-

lution of disapproval by the Senator's committee would carry with it a majority vote in this body, because of the high regard which all Members of the Senate have for that committee, as well as for the other committees. We generally go along with the recommendations made by our committees, because they have their specific assignments.

But, under the rules, the Senator from Arkansas would be required to hold some hearings on all reorganization plans if resolutions of disapproval were entered. However, this does not prevent other committees from holding hearings on exactly the same subject.

Mr. McCLELLAN. This would be the procedure: If it were desired to have adopted a resolution of disapproval, that committee would then report to the Senate that resolution, but it would then be referred to the Committee on Government Operations. However, as the distinguished acting majority leader has said, there would certainly be quite an influence in this body if a committee sponsored a resolution of disapproval. I think the Senator from Minnesota will vouch for the statement that I am not as enthusiastic about some of the reorganization plans as are some of my colleagues, and some of the members of my committee. I have opposed as many of them as I have supported, particularly those that became controversial. I have not gone overboard. However, there is involved a rules problem that I cannot resolve for the Senator; but I will cooperate with his committee, and every committee in Congress that has legislative jurisdiction, with respect to getting their sentiments and getting their views, and giving them every opportunity for study.

Mr. MAGNUSON. I am sure the Senator from Arkansas would do that. The only reason why I raised the point was that the Interstate and Foreign Commerce Committee, for example, has jurisdiction over matters relating to the Commerce Department. When it is suggested that we would have no reason to examine the reorganization plan of the President referring to an executive department, I point out that, in the narrow field of these particular agencies, they are arms of the Congress by the basic laws which established them; and that becomes a little different matter.

Mr. McCLELLAN. I agree with the Senator. I would be very jealous about wanting to know what the effect and impact of these reorganization plans would be. In some areas, sometimes it might be better to deal with the matters by legislation, rather than by reorganization plans. There have been some reorganization plans in the past when I felt reorganization was not the proper approach; that a legislative approach was needed, where there would be an opportunity for amendment, change, and modification, as we discussed and studied the problem, because a reorganization plan, as Senators know, is not subject to amendment. Sometimes I think we defeated one or two on the floor of the Senate when we felt the matter could be dealt with better by legislation than by a reorganization plan, or where

the reorganization plan simply went too far, and did something we felt it should not do. The proponents came back with another reorganization plan. I think that occurred in one or two instances. Is that not correct?

Mr. HUMPHREY. Yes.

Mr. MAGNUSON. With reference to the so-called Landis report, and there have been others that were similar, I agree with the objectives, because, surely, we need to do something about the independent agencies; but they are arms of Congress. There are a lot of "Hill" lawyers who try to tell us the situation is different, but they are not correct. I think no responsible person looking at the history of the basic legislation establishing these agencies will doubt that they are arms of Congress.

Mr. McCLELLAN. I wish to say to the distinguished Senator that he is to be commended for discussing the matter at this time. I think he is performing a real service. All I can say is that I cannot go beyond the rules, but I can assure the Senator that he will have every cooperation from the chairman of the Committee on Government Operations to see that his rights are protected, to the end that reorganization plans do not go beyond what they are supposed to, or fail to meet responsibilities that they should meet.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. DIRKSEN. I will say to the Senator from Washington that if anybody feels the Senate may not have an opportunity to pass on any reorganization plan, there is the right to discharge a committee from consideration of a specific matter, and we have the right to exercise that power. So at no point does it get beyond the control of the Senate.

Mr. McCLELLAN. That is correct; and once the matter gets on the calendar, it is privileged, and can be brought up at any time.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. LONG of Louisiana. It was my pleasure and honor to serve under the distinguished Senator from Arkansas at the time the reorganization bill was put into effect in 1949. As one who voted with the Senator and helped to consider the matter when it originally became law, it was my hope that eventually these powers would come back to Congress, and we would not be surrendering the power of reorganization indefinitely.

It has been my impression in recent years that all the reorganizations that have been accomplished by reorganization plans could have been accomplished by means of legislation, if needed. I speak only for myself, but what I fear, in this regard, is that over a period of time Congress shall have surrendered this power, and it shall never repose with us again. The President may come to feel that Congress need not be consulted, or that it is not within the power of Congress to regulate both executive and independent agencies. However, if the President cared to follow that procedure,

it would be simple as an infringement of the executive prerogatives, for some of us to oppose a reorganization plan that we thought might not be wise.

I hope the Senator will consider, both as chairman of a committee and as a Member of this body, that these powers should, perhaps after the end of 2 years, at least reside in the Congress for a while. Congress has been willing to cooperate with the executive. I believe that, whenever a reorganization proposal has had merit, Congress has granted it to the President by means of reorganization, just as it would by not interposing an objection to a reorganization plan.

Mr. McCLELLAN. I may point out that right now it is back in the hands of Congress. Congress can extend this power, grant it again, or withhold it. I believe it expired in June 1959. It has been in the Congress since that time.

Mr. LONG of Louisiana. May I say I think it is a very healthful situation that it comes back to the Congress from time to time, and, if there is no real necessity for passing reorganization bills, that it stay in the Congress. I would agree that a new administration, for a period of time, should have power to submit reorganization plans.

Mr. McCLELLAN. There are those who feel, and they are conscientious about it, that the authority should be granted only for a certain period, that the power should come back to Congress every 2 or 3 years, so we can review it and see what has been done under the law, with the idea of amending existing statutes, or withholding the authority if it has not had good results. There is a difference of opinion as to whether reorganizations have had good results. I have seen some pass that I did not think were good. The resolution of disapproval was defeated over my protest. However, I cannot always be right, and out of the whole there has come some good, because it is difficult for Congress to process legislation in these fields. We all know that. The machinery is quite slow in these fields. But if presented, we have an opportunity to vote on the proposals. It does expedite matters, to say the least. I would not argue that expedition and efficiency and better organization always go hand in hand.

There have been instances in which reorganizations which were good in improving the economy and the efficiency of the Government have been effected.

Under the law the Congress will have the final say. The Congress can veto any proposal.

Originally, it took a concurrent resolution of both Houses to veto a reorganization plan. I always opposed that. I would oppose it now. Under the terms of the law one House of the Congress can, by a resolution of disapproval, prevent a reorganization plan from becoming law. That is the way it should be, in my judgment. I would not vote to relax that restraint on the part of the Congress. I think that power should be vested in the Congress. If one House votes to disapprove a reorganization plan, it cannot become law, exactly the same as the situation if one House disapproves a bill, which does not become

law. That is the provision with regard to reorganization plans.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the Senator from South Dakota.

Mr. MUNDT. I agree thoroughly with what the chairman of the committee has said. This will not vacate permanently the power of the Congress. I was one who, in the committee, held the position that a 2-year extension was long enough. That would give us a chance to look at the matter again, which I think we should have. I think also that the Executive does have a responsibility to make suggestions of this kind.

With respect to the question raised by the Senator from Washington, I think the Senator can get some consolation from the terms of the act itself, as the language appears on page 5 of the report. There is at least an implicit recognition of the point the Senator makes concerning agencies which are responsible to Congress and which are created as branches of the Congress.

Section 7 reads:

When used in this Act, the term "agency" means any executive department, commission, council, independent establishment, Government corporation, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government, and means also any and all parts of the municipal government of the District of Columbia except the courts thereof. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government.

That language certainly implies that those areas of executive activity which are in fact branches of the Congress are considered to be in some special classification as to which Congress has a special responsibility.

Speaking for the minority, I concur completely in the willingness expressed by the chairman of the committee to take any and every step necessary to see to it that the appropriate legislative committee does have an opportunity to hold hearings and does have an opportunity to make its recommendations. We are not trying to superimpose our judgment upon all the committees of the Congress. This is our responsibility. We have a right to make recommendations in respect to it. Certainly, the legislative committees which have responsibilities in areas such as those the Senator mentioned, I think not only should have the right but also have the duty to hold hearings and to make recommendations, pro or con.

Mr. MAGNUSON. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, it seems to me quite clear that the only agencies which are to be exempted from the operation of the law are the two mentioned in the act itself. All the other regulatory agencies, as to which the distinguished Senator from Washington expressed concern, are to be included

within the purview of the law. Whether that is a wise course or not is another matter, but it seems to be very clear that the enumeration of the two in the act will exclude all the others.

It is quite apparent, from looking at the list of agencies which have been reorganized in the past, as shown on pages 8, 9, and 10 of the able report of the distinguished committee, that many of the agencies mentioned by the distinguished Senator from Washington, whose activities fall within the peculiar field of jurisdiction of the committee which he so ably heads, the Senate Committee on Interstate and Foreign Commerce, have been reorganized in the past.

Those reorganizations have stood. I note that in at least one case, that of the Federal Power Commission, a majority of the Senate, expressing its will upon the matter, did not approve the reorganization, but the majority was less than 49, then required by the terms of the law to be cast against any particular reorganization plan to stop it from becoming operative.

If the Senator from Florida is correctly advised, it would now require 50 or 51 affirmative votes to be cast against a particular program, or in favor of a resolution to disapprove a reorganization plan, in the Senate, to upset it. On that point is the Senator from Florida correctly advised?

Mr. McCLELLAN. The Senator is incorrectly advised on that. Under the present law it requires only a majority of those who are present and voting. The provision to which the Senator referred has been changed. That was the provision of the former act. The present act provides for only a majority vote.

I have always maintained that is the correct procedure. It maintains and preserves legislative integrity over these matters. The reorganization plan may not become law if a majority of either House opposes the plan. In that circumstance a plan should not go into effect, in my judgment.

That is the law as it is now written. I hope the provision will remain that way. So far as the chairman of the Committee on Government Operations is concerned, the law is going to stay that way. We do not wish to prevent the President from presenting his plans—whatever plans he has—but I do not wish to see the Congress abdicate its responsibility. I should like to preserve legislative integrity.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. McCLELLAN. I am glad to yield.

Mr. MUNDT. The Senator will find that provision on page 5 of the report.

Mr. HOLLAND. I commend the Senator for his insistence that a majority of the Members of the Senate participating in a session when a quorum is present certainly should have the right to disapprove a reorganization plan.

Mr. McCLELLAN. I fought for that provision for years, and we finally obtained it. The House has gone along with it now.

Mr. HOLLAND. I commend the distinguished Senator on that.

I should like to ask whether the Senator from Florida is correct in his understanding that all regulatory agencies are within the purview of the act in question?

Mr. McCLELLAN. They are.

Mr. HOLLAND. The only agencies excluded as being peculiarly a part of the legislative branch are the Comptroller General of the United States and the General Accounting Office?

Mr. McCLELLAN. I think that is correct. That is my interpretation of the language.

Mr. HOLLAND. Mr. President, I join the Senator from Washington [Mr. MAGNUSON] in expressing some reluctance to approve the proposal, since it runs that far. However, I recognize the fact that, with all the press of business which is upon the Congress, some initiative has to be given to the Executive even in this field. I am willing to approve the proposal simply because the press of business is so great that I know the committees having jurisdiction over these matters cannot give them the careful attention they need.

I comfort myself with the fact that the Senator from Arkansas has insisted upon changing the older rule, so that now a majority of the Senate present and debating a measure can turn down any reorganization plan, regardless of what is the attitude of the other body.

Mr. McCLELLAN. The Senator is correct.

Mr. HOLLAND. A majority of the other body, with a quorum present, considering the measure, can turn down a proposed reorganization plan regardless of what may have been the attitude of the Senate?

Mr. McCLELLAN. That is correct.

The proposal, as first adopted, was that it was necessary for both Houses to pass a concurrent resolution to veto a plan, and a number of agencies were exempted. The administrative branch of the Government kept insisting upon not placing the exemptions in the act, with the result that we finally were able to get an agreement that it took only a majority of the total membership of one House to veto a reorganization plan. Now we have it to the point that it is like any other legislative process; a majority of those who are present and voting can defeat a plan. That is the way it should be.

Mr. HOLLAND. Mr. President, I thank my distinguished friend. There is one other matter in connection with this proposed legislation on which I should like to ask a question, so that he can state his opinion for the Record.

The Senator may recall that the Senator from Florida objected strenuously to the general terms of the reorganization of the Department of Agriculture, because when that reorganization plan became effective, with certain very minor exceptions which were stated in the plan, the Secretary of Agriculture was given, until the end of time—unless the legislation is changed—the discretion, the right, and the authority to reorganize

that important Department at any time and upon any basis, the entire scope of the operation being so broad as to make it difficult to think of anything which could not be done at the sole will of the Secretary of Agriculture.

The important question, in the opinion of the distinguished Senator from Arkansas [Mr. McCLELLAN] is that such reorganizations as may be submitted under the proposed legislation should be in sufficient detail in order to prevent the recurrence of legislation under which a carte blanche blank check would be given to the head of a department to reorganize in any way he sees fit all of the multiplicitous activities of his department.

Mr. McCLELLAN. Of course, I can speak only for the Senator from Arkansas. One of the weaknesses in the reorganization program is that the reorganization plans submitted do not spell out, as Congress would by statute, what we wish to do, and too frequently such reorganization plans are vague and leave a residue of power in the agency to do things that are not adequately spelled out.

Under the proposed plan we have the opportunity to disapprove, if a department submits vague plans, or plans that convey powers indefinitely to the head of the reorganized agency.

Mr. HOLLAND. Is it the intention of the distinguished chairman of the committee and all the members of his committee to require that reorganization plans be submitted in such detail as to advise Congress as to what is intended?

Mr. McCLELLAN. I do not know that I shall be asked, but if I am asked by the executive branch of the Government, I shall certainly reply that it is very vital in my judgment to spell out such plans in detail. I know that the executive branch cannot spell out every little minor detail, but the plan ought to be so concise and explicit that we shall know what kind of law we are asked to pass. I believe there have been instances in which the plans were not so detailed, and I have opposed some of them. It is up to us to take care of whatever plans come to us in that way. That is all I can say.

Mr. HOLLAND. I thank the distinguished Senator for expressing the view that programs submitted under the authority of a bill, when it is passed and becomes law, should be explicit, and I join in that expression. I serve notice now that when reorganization plans come to the floor of the Senate which do not contain a reasonable degree of explicitness, the Senator from Florida will oppose them with all his vigor, because he does not think we should delegate to any President or to the head of any department such wide and unlimited powers as, for instance, were granted under the reorganization plan of the Department of Agriculture. Unfortunately that plan is still in force. I make that statement without intending any adverse comment as to the present Secretary of Agriculture. The Senator from Florida made a much stronger

statement, as he recalls, upon the subject when the predecessor of the present Secretary of Agriculture was serving. In my judgment it is a question of not giving to any one man, no matter how wise, well informed and benevolent he may be, complete authority to undo and remake a very important agency of our Government at his discretion and almost at his whim. I do not think we can safely follow such a pattern. I do not propose to follow such a pattern if it is included within any reorganization plan. I thank the Senator.

Mr. McCLELLAN. I thank the distinguished Senator from Florida. I am hopeful, and I believe that the remarks in the Senate today on this subject may have some influence upon future actions taken. I hope they will, because it would never be a pleasure to me to oppose any reorganization plan sent to us by the President of the United States. I should only oppose such a plan from a sense of duty, or because I am unable to resolve my doubts or differences about it.

Sometimes I think the members of the executive branch of the Government and those who prepare such plans have not given the thought and study to them that they should have received before they send them here. If adequate thought and study are devoted to such plans, I feel confident that in most instances the Congress will go along with the plan, and in that way we shall bring about some reorganizations that are needed, and we shall all be serving the best interests of our Government.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the distinguished acting majority leader.

Mr. HUMPHREY. I make this comment in order that the thoughts of the members of the committee may be more helpful to the executive branch. I feel very much as does my committee chairman, the Senator from Arkansas [Mr. McCLELLAN]. When reorganization authority was first presented to us in 1949, I was one of those who felt that both Houses of Congress should have to register disapproval. But as we proceeded and saw the plans come down, both in the Truman administration and in the Eisenhower administration, I believe we came to the conclusion that Congress should exercise its legislative responsibilities as the present act indicates or prescribes, namely, that a majority of those present and voting in only one House of Congress is required to negate a reorganization plan on a resolution for disapproval.

I will say to the Senator from Florida that I, too, was concerned about the broad sweep of reorganization authority in not only the Department of Agriculture reorganization plan, but also in 1952 in the plan of the Department of Health, Education, and Welfare. As a result of the rejection of the plan of the Department of Health, Education, and Welfare in 1952, a more detailed plan, with more particulars—whether it was better or not may be questioned—was given to us in

1953. By the rejection of one plan the Congress set certain standards and guidelines for the acceptance of another reorganization plan. I hope that those in the executive branch who will be responsible for advising the President on matters of reorganization will read this record very carefully. I hope they will have in mind the comments of the distinguished chairman of the Committee on Interstate and Foreign Commerce [Mr. MAGNUSON], the comments of the Senator from Florida [Mr. HOLLAND], the comments and observations of the chairman of the committee and, I hope, even my own comments, because while there were differences of opinion on reorganization authority at one time, as between the chairman of the committee of which I am a member, the Senator from Arkansas [Mr. McCLELLAN] and the Senator from Minnesota, those differences were long ago resolved. I believe our committee, which spent months in the study of reorganization plans, is pretty much of one mind.

Mr. McCLELLAN. I believe so.

Mr. HUMPHREY. I believe we are unanimous, and I suggest that that kind of unanimity is worthy of careful consideration. But, as stated by the Senator from Arkansas, I should like to reserve any right of criticism or even of analysis until we see what is submitted to us. I think we ought to give the executive branch the authority requested, and that the executive branch should act within the spirit of the discussion we have had.

Mr. McCLELLAN. Mr. President, I thank Senators who have contributed to the discussion. I think we are all indebted to the distinguished Senator from Washington [Mr. MAGNUSON] for bringing to our attention his views, thereby providing a fuller discussion of the bill, of the authority, and what is to be hoped for.

In conclusion, I again express the hope that such plans as the President may send to us will be well thought out before they are submitted, and that they will contain a great deal of detail and be explicit as to what is proposed so that we shall understand what the results will be.

If that is done, I believe we can give the assurance that the Committee on Government Operations will undertake to analyze them and present a report to the Senate which will clearly define what the results of the legislation will be if approved.

The VICE PRESIDENT. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 153) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205; 5 U.S.C. 1332-3), as last amended by the Act of September 4, 1957 (71 Stat. 611), is hereby further amended by striking out "June 1, 1959" and inserting in lieu thereof "June 1, 1963".

Mr. HUMPHREY. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. McCLELLAN. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Arkansas.

The motion to lay on the table was agreed to.

INTERIM REPORT ON INVESTIGATION OF THE PIPEFITTERS AND PLUMBERS LOCAL 706, EL DORADO, ARK.

Mr. McCLELLAN. Mr. President, one of the investigations initiated by the former Senate Select Committee on Improper Activities in the Labor or Management Field and continued by the Staff of the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations after the select committee went out of existence, related to charges of improper activities of officers of Local 706 located in El Dorado, Ark. This local is a member of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada.

The select committee had received numerous complaints from members of local 706 alleging that moneys collected from union members and others for the privilege of working on an \$82 million Federal arsenal project in Pine Bluff, Ark., during the period 1951-54 were not properly accounted for. It was further charged that officials of this local misused union funds; that large amounts were collected and mysteriously disappeared; and that they had rigged an election which involved members of local 706.

A hearing in executive session by the select committee was held on March 22, 1960. The select committee authorized me, as chairman, to make the proceedings and record of that hearing public at my discretion.

On August 10, 1960, the Senate Permanent Subcommittee on Investigations authorized further hearings on this matter.

On August 16 and 17, 1960, additional testimony was taken in executive session. To eliminate the need for rehearing the testimony taken before the select committee on March 22, 1960, the previous testimony was made part of the record of the Senate Permanent Subcommittee on Investigations on August 16, 1960.

On September 23, 1960, the subcommittee voted to make public the executive testimony taken in August of 1960.

On August 17, 1960, when the subcommittee completed its hearings on this matter, I permitted counsel who represented certain officials of local 706 to read the complete record of the hearings and file, on behalf of his clients, any additional evidence he deemed pertinent to the inquiry. On October 2, 1960, additional testimony in the nature of affidavits was submitted to the subcommittee which was made a part of the official record of the hearings.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 1961

Referred to the Committee on Government Operations

AN ACT

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (b) of section 5 of the Reorganization Act
4 of 1949 (63 Stat. 205; 5 U.S.C. 133z-3), as last amended
5 by the Act of September 4, 1957 (71 Stat. 611), is hereby
6 further amended by striking out "June 1, 1959" and insert-
7 ing in lieu thereof "June 1, 1963".

Passed the Senate February 6, 1961.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

FEBRUARY 7, 1961

Referred to the Committee on Government Operations

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

CONTENTS

Issued March 1, 1961
For actions of February 28, 1961
87th-1st, No. 35

For Index, see page 10.

HIGHLIGHTS: House subcommittee approved minimum wage and reorganization bills. Sen. Fulbright urged expansion of small watershed program. Both Houses received President's message on highways program. Sen. Hruska introduced and discussed wool bill. Sen. Williams, N. J., (with others) introduced and discussed farm labor bills.

HOUSE

1. ROADS. Both Houses received from the President a message recommending various changes in the Federal pay-as-you-go highway program; to House Ways and Means Committee and Senate Finance Committee (H. Doc. 96). pp. 2663-6, 2589
2. LABOR STANDARDS. A subcommittee of the Education and Labor Committee ordered reported to the full Committee H. R. 3935, amended, to amend the Fair Labor Standards Act and increase the minimum wage to \$1.25. p. D104
3. REORGANIZATION. A subcommittee of the Government Operations Committee ordered reported to the full Committee S. 153, amended, to amend the Reorganization Act. p. D104
4. UNEMPLOYMENT COMPENSATION. The Rules Committee reported a resolution for consideration of H. R. 4806, to provide for a temporary program of extended unemployment compensation. p. 2727
5. SOIL CONSERVATION. Rep. Marshall commended the ACP Program on its 25th anniversary and inserted the statement of Robert M. Koch on this subject. pp. 2691-2

6. FEED GRAINS. As reported by the Agriculture Committee, H. R. 4510, to provide a special program for feed grains for 1961, provides as follows:

Provides that the Secretary shall establish the 1961 support price of corn at some level above 65 percent of parity.

Provides that the 1961 support level of oats, rye, barley, and grain sorghums will be related to the support price for corn pursuant to the provisions of section 105(b) of the Agricultural Act of 1949, in which the bill makes no change.

Provides that eligibility for price supports on corn, grain sorghums, soybeans, and any other feed grain or oilseed crops which the Secretary may designate, will be contingent upon the producer retiring such percentage as the Secretary may require of his 1959-60 average plantings of corn and grain sorghums (if any) into the special 1961 conservation program.

Provides that price supports for corn and grain sorghums for 1961 will be made available only on the average (for 1959-60) production of the harvested acres on eligible farms, and that producers may exceed this figure without penalty but will not be eligible for price support on the excess.

Directs the Secretary to formulate and carry out a special conservation program in 1961 for corn and grain sorghums and authorizes cash payments of not more than \$500 million for such program.

Authorizes cash payments (or an equivalent amount in kind) at a rate of the support price times 50 percent of the average yield per acre (based on 1959-60 production) for retirement of 20 percent of corn and grain sorghum acreage (or 20 acres, whichever is greater) into the conservation program authorized by this bill.

Permits the producer to elect to grow on the retired acreage (in lieu of all payment) any crop designated by the Secretary which is not in surplus, not eligible for price support, and not produced principally as livestock feed.

Provides that among the conditions under which the land will be placed in the special conservation program that appropriate measures are taken to keep the land free from insects, weeds, and rodents and that there is an equivalent net increase on the farm in land devoted to soil conserving crops or practices (based on 1959-60).

Provides that in addition to the 20-percent reduction in corn and grain sorghum acreage, producers may, at their option, place up to an additional 20 percent of such acreage into the special conservation program under similar terms and conditions, except that payment for the additional 20 percent will be in kind, rather than in cash, with such payment-in-kind limited to a rate of not more than 60 percent of the average yield of the retired acreage for the years 1959 and 1960.

Provides that payment in kind will be made by issuing to eligible farmers negotiable certificates redeemable in feed grains by the Commodity Credit Corporation.

Permits CCC to sell a quantity of corn and grain sorghums during the 1961 marketing year sufficient to keep the price of those commodities from rising to a level where it would encourage farmers not to cooperate and to engage in unlimited planting.

7. BUDGETING. Rep. Pelly spoke in favor of his H. Res. 115, to prohibit "back-door financing," and stated that the House leadership is opposed to the measure. pp. 2701-3

8. REPORTS. Received the annual report of GAO. p. 2726

9. COMMITTEE EXPENSES. Agreed to various resolutions providing for expenses of committees, including H. Res. 94 for the Agriculture Committee and H. Res. 76 for the Post Office and Civil Service Committee. pp. 2666-81

House of Representatives

Chamber Action

Bills Introduced: 80 public bills, H.R. 4970-5049; 25 private bills, H.R. 5050-5074; and 21 resolutions, H.J. Res. 268-277, H. Con. Res. 181 and 182, and H. Res. 193-201, were introduced.

Pages 2666, 2727-2730

Bills Reported: Reports were filed as follows:

(For details of H. Repts. 30-37 see under "Committee Expenses" in this DIGEST.)

H. Res. 70, providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations (H. Rept. 38).

(For details of H. Repts. 39-45 see under "Committee Expenses" in this DIGEST.)

H. Res. 195, providing for the consideration of, 3 hours of debate on, and the limiting of amendments to, H.R. 4806, to provide for the establishment of a temporary program of extended unemployment compensation and to provide for a temporary increase in the rate of the Federal unemployment tax (H. Rept. 46).

Pages 2726-2727

Correction—Defense Production: The DIGEST of Monday incorrectly reported that Representatives Patman, Rains, Multer, McDonough, and Widnall were appointed to the Joint Economic Committee. The above Members were appointed to membership on the Joint Committee on Defense Production.

President's Message—Highways: Received and read a message from the President regarding the Federal Highway Program and its financing. The message was referred to the Committee on Ways and Means and ordered printed as a House document (H. Doc. 96).

Pages 2663-2666

Joint Committee Membership: Adopted H. Res. 193, electing the following Members to the following joint committees of Congress:

Joint Committee on Printing: Representatives Burleson, Hays, and Schenck; and

Joint Committee on the Library: Representatives Burleson, Jones of Missouri, Smith of Mississippi, Schenck, and Corbett.

Page 2666

Disposition of Executive Papers: Adopted H. Res. 194, providing for the appointment of two members of the Committee on House Administration to membership on the Joint Committee on Disposition of Executive Papers. Subsequently the Speaker appointed Representatives Thompson of New Jersey and Kyl to the joint committee.

Page 2666

Bill Rereferred: The Committee on Interior and Insular Affairs was discharged from further consideration

of H.R. 3840, a private bill, and the bill was rereferred to the Committee on Merchant Marine and Fisheries.

Page 2666

Committee Expenses: By voice votes the House adopted the following resolutions providing funds for expenses of the following committees:

H. Res. 76, to provide funds for the expenses of the investigations and studies of the Committee on Post Office and Civil Service authorized by H. Res. 75 (H. Rept. 30);

H. Res. 94, to provide funds for the expense of studies and investigations of the Committee on Agriculture authorized by H. Res. 86 (H. Rept. 31);

H. Res. 79, to provide for the expenses of the investigation and study of the Committee on Armed Services authorized by H. Res. 78 (H. Rept. 32);

H. Res. 144, to provide funds for the expenses of the studies, investigations, and inquiries of the Committee on Banking and Currency authorized by H. Res. 143 (H. Rept. 33);

H. Res. 149, providing for the expenses incurred by the Committee on Education and Labor pursuant to H. Res. 141 (H. Rept. 34);

H. Res. 61, providing for expenses of conducting studies and investigations of Committee on Foreign Affairs authorized by H. Res. 60 (H. Rept. 35);

H. Res. 158, providing funds for the Committee on House Administration (H. Rept. 36);

H. Res. 128, to provide funds for the expenses of the investigations of the Committee on Interior and Insular Affairs authorized by H. Res. 92 (H. Rept. 37);

H. Res. 165, providing funds for the Committee on Interstate and Foreign Commerce (H. Rept. 39);

H. Res. 68, to provide funds for the Committee on the Judiciary (H. Rept. 40);

H. Res. 99, to provide funds for the expenses of the studies and investigations of the Committee on Merchant Marine and Fisheries authorized by H. Res. 98 (H. Rept. 41);

H. Res. 136, to provide funds for the expenses of the studies, investigations, and inquiries of the Committee on Public Works authorized by H. Res. 23 (H. Rept. 42);

H. Res. 85, to provide funds for the expenses of the studies, investigations, and inquiries of the Committee on Science and Astronautics authorized by H. Res. 55 (H. Rept. 43);

H. Res. 148, to provide funds for the expenses of the Select Committee on Small Business authorized by H. Res. 46 (H. Rept. 44); and

H. Res. 50, to provide for the further expenses of the investigation and study of the Committee on Veterans' Affairs authorized by H. Res. 49 (H. Rept. 45).

Pages 2666-2681

Government Operations: Considered, but did not conclude action on, H. Res. 70, providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations. The resolution is scheduled for further consideration by the House on Wednesday.

Pages 2668-2675

Subcommittee To Sit: Subcommittee No. 5 of the Committee on the Judiciary was granted permission to sit during the sessions of the House on Wednesday and Thursday.

Page 2724

Program for Wednesday: Adjourned at 2:58 p.m. until Wednesday, March 1, at 12 o'clock noon, when the House will act on H. Res. 70 and 167, providing funds for expenses of studies by the Committee on Government Operations and the Committee on Un-American Activities, respectively. Also will consider H.R. 4806, to provide for the establishment of a temporary program of extended unemployment compensation and to provide for a temporary increase in the rate of the Federal unemployment tax (3 hours of debate).

Committee Meetings

MILITARY POSTURE

Committee on Armed Services: The committee was briefed by Elvis J. Stahr, Jr., Secretary of the Army, and Maj. Gen. J. M. Williams, Chief of Staff, Intelligence, Army, on the national military posture. Wednesday, March 1, the committee will continue on national military posture briefings.

DISTRESSED AREAS

Committee on Banking and Currency: Subcommittee No. 2 continued hearings on H.R. 4569, to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically distressed areas. The subcommittee heard testimony from Governor Combs, of Kentucky, and various public witnesses. Hearings continue Wednesday, March 1.

MINIMUM WAGE

Committee on Education and Labor: Special Subcommittee on Labor met in executive session and ordered reported to the full committee H.R. 3935 (amended), to amend the Fair Labor Standards Act of 1938 in regard to increasing the Federal minimum wage to \$1.25 an hour.

MINING

Committee on Education and Labor: The Select Subcommittee on Labor resumed hearings on H.R. 4237, to amend the Federal Coal Mine Safety Act in order to

remove the exemption with respect to certain mines employing no more than 14 individuals. Witnesses heard were Representatives Jennings and Dent, also various public witnesses.

REORGANIZATION ACT OF 1949

Committee on Government Operations: The Subcommittee on Executive and Legislative Reorganization met in executive session and ordered reported to the full committee S. 153 (amended), to amend the Reorganization Act of 1949.

NATIONAL PARKS

Committee on Interior and Insular Affairs: Subcommittee on National Parks heard John A. Carver, Jr., Assistant Secretary for Public Land Management, Department of the Interior, Conrad Wirth, Director, National Park Service; and other Park Service personnel on programs and problems regarding national parks. Adjourned subject to call of the Chair.

FOOD ADDITIVES

Committee on Interstate and Foreign Commerce: Began hearings on H.R. 3980, to amend the transitional provisions of the Food Additives Act. Testimony was given by Representatives Delaney and King of Utah, Abraham A. Ribicoff, Secretary of Health, Education, and Welfare, and a public witness. The hearing will continue Wednesday, March 1.

PANAMA LINE

Committee on Merchant Marine and Fisheries: Subcommittee on Panama Canal heard testimony on the operation of the Panama Steamship Lines from a representative of the General Accounting Office, an employee of the Military Transport Service, and a public witness. Hearings continue Wednesday, March 1.

BEACH EROSION

Committee on Public Works: Subcommittee on Rivers and Harbors held a hearing on H.R. 276 and H.R. 1971, to authorize beach erosion control at Oceanside, Calif., and then in executive session ordered H.R. 1971 (amended) reported to the full committee.

Witnesses heard were Representatives Utt and Nelson of California.

UNEMPLOYMENT COMPENSATION

Committee on Rules: Granted an open rule, with 3 hours' debate, and limited amendments, on H.R. 4806, to provide for establishment of a temporary program of extended unemployment compensation, to provide for a temporary increase in the rate of Federal unemployment tax.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

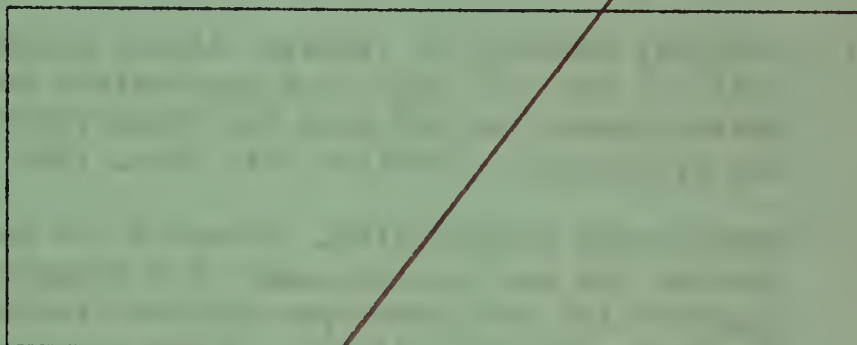
OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

CONTENTS

Issued March 22, 1961
For actions of March 21, 1961
87th-1st, No. 49

See page 6 for contents



HIGHLIGHTS: House agreed to conference report on feed grains bill. House passed sugar bill. Senate agreed to consider feed grains conference report Wednesday. House committee voted to report depressed areas bill. House subcommittee voted to report bill to extend Reorganization Act. Senate received Bagwell nomination. Rep. Schwengel criticized President's farm message.

HOUSE

1. **FEED GRAINS.** By a vote of 231 to 185, agreed to the conference report on H.R. 4510, to provide a special program for feed grains for 1961 (pp. 4144-51). See Digest 48 for a summary of the bill as reported by the conference committee.
2. **SUGAR.** By a vote of 284 to 129, passed under suspension of the rules H.R. 5463, to amend and extend the Sugar Act (pp. 4151-60). See Digest 48 for a summary of the bill as reported by the Agriculture Committee.
3. **DEPRESSED AREAS.** The Banking and Currency Committee voted to report (but did not actually report) with amendment S. 1, the depressed areas bill (p. D184). The Committee was granted permission until midnight Tues., Mar. 21, to file a report on the bill (p. 4137).
4. **REORGANIZATION.** The "Daily Digest" states that the Executive and Legislative Reorganization Subcommittee of the Government Operations Committee "met in executive session and rescinded amendments, adopted February 28, to S. 153, to further amend the Reorganization Act of 1949. The bill was again ordered reported to the full committee." p. D184

5. RESEARCH; FOOD INSPECTION. Passed without amendment S. 1028, to amend the Nematoicide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 so as to authorize the Secretary of Agriculture to extend beyond March 5, 1961, the effective date of the registration and enforcement provisions of the Federal Insecticide, Fungicide, and Rodenticide Act with respect to nematocides plant regulators, defoliants, and desiccants. This bill will now be sent to the President. A similar bill, H.R. 4662, was tabled. p. 4138
6. FORESTRY; RECREATION. Passed without amendment S. 449, to extend from Sept. 1, 1961, to Jan. 31, 1962, the time within which the Outdoor Recreation Resources Review Commission may make its final report. This bill will now be sent to the President. A similar bill, H.R. 2204, was tabled. p. 4138
7. UNEMPLOYMENT COMPENSATION. Received the conference report on H.R. 4806, to provide for the establishment of a temporary program of extended unemployment compensation for unemployed workers, including Federal employees and veterans (H. Rept. 183)(pp. 4135-7). House conferees were appointed earlier (p. 4135).
8. FARM PROGRAM. Rep. Schwengel criticized the President's farm message as containing "no new ideas on how to solve the farm problem," stated that enactment of his proposals "would be abrogating our responsibility as Congressmen," and urged enactment of a bill he had introduced to expand the conservation reserve program. pp. 4185-7
9. LABOR STANDARDS. The Rules Committee reported a resolution for consideration of H.R. 3935, to amend the Fair Labor Standards Act and increase the minimum wage gradually to \$1.25 an hour. p. 4160
10. WATERSHEDS. The "Daily Digest" states that the Conservation and Credit Subcommittee of the Agriculture Committee approved watershed projects for Ky., N. Mex., Hawaii, and Fla., and passed over various other watershed projects for the States of S.C., Va., and Ky.-Tenn. p. D184
11. PERSONNEL; BONDING. A subcommittee of the Post Office and Civil Service Committee voted to report to the full committee H.R. 2554, to repeal Sec. 14(c) of title 6 of the U. S. Code requiring an annual report by the Secretary of the Treasury with respect to the bonding of Federal employees. p. D185
12. TEXTILE IMPORTS. Rep. Lane urged greater restrictions on the importation of textiles and textile products. p. 4174

SENATE

13. FEED GRAINS. Received the conference report on H.R. 4510, to provide a special program for feed grains for 1961 (p. 4105). Agreed to a unanimous-consent request by Sen. Mansfield to consider the conference report on Wed., Mar. 22, with debate to be limited to 1½ hours (p. 4130).
14. NOMINATION. Received the nomination of John C. Bagwell to be General Counsel of this Department. p. 4131

87TH CONGRESS
1ST SESSION

H. R. 5742

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1961

Mr. FASCELL introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (b) of section 5 of the Reorganization Act
4 of 1949 (63 Stat. 205; 5 U.S.C. 133z-3), as last amended
5 by the Act of September 4, 1957 (71 Stat. 611), is hereby
6 further amended by striking out "June 1, 1959" and insert-
7 ing in lieu thereof "June 1, 1963".

I

87TH CONGRESS
1ST SESSION

H. R. 5742

A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

By Mr. FASCELL

MARCH 21, 1961

Referred to the Committee on Government Operations

House of Representatives

Chamber Action

Bills Introduced: 75 public bills, H.R. 5736-5810; 8 private bills, H.R. 5811-5818; and 13 resolutions, H.J. Res. 325-332, H. Con. Res. 200-203, and H. Res. 229, were introduced.

Pages 4160, 4190-4193

Bills Reported: Reports were filed as follows:

Seven private bills, H.R. 1320, 1397, 1424, 1887, 2354, 5178, and 2993 (H. Repts. 174-180);

Disposition of executive papers (H. Rept. 181);

H. Res. 229, providing for the consideration of and 7 hours of debate on H.R. 3935, to amend the Fair Labor Standards Act of 1958 in regard to increasing the Federal minimum wage (H. Rept. 182); and

Conference report on H.R. 4806, providing for the establishment of a temporary program of extended unemployment compensation and to provide for a temporary increase in the rate of the Federal unemployment tax (H. Rept. 183).

Page 4190

U.S. Citizens Commission on NATO: The Speaker announced the appointment on the part of the House as members of the U.S. Citizens Commission on NATO the following members from private life: W. L. Clayton, Texas; George J. Feldman, New York; Hugh Moore, Pennsylvania; Ralph D. Pittman, District of Columbia; Donald G. Agger, Maryland; Eric Johnston, District of Columbia; Adolph W. Schmidt, Pennsylvania; Oliver C. Schroeder, Jr., Ohio; Burr S. Swezey, Sr., Indiana; and Morris Forgash, New York.

Page 4132

Unemployment Compensation Extension: Disagreed to Senate amendments to H.R. 4806, providing for the establishment of a temporary program of extended unemployment compensation and to provide for a temporary increase in the rate of the Federal unemployment tax; agreed to a conference requested by the Senate; and appointed as conferees Representatives Mills, King of California, O'Brien of Illinois, Mason, and Byrnes of Wisconsin. Permission for filing a conference report thereon by midnight was granted the conferees.

Page 4135

Consent Calendar: Passed the following bills on the call of the Consent Calendar:

Cleared for the President:

Outdoor resources report: S. 449 (in lieu of H.R. 2204), to extend to January 31, 1962, the time in which the Outdoor Recreation Resources Commission shall submit its final report.

Plant disease research: S. 1028 (in lieu of H.R. 4662), to amend the transitional provision of the act entitled "Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1939."

Stockpile sales waiver: S. 1116 (in lieu of H.R. 4435), to authorize the sale, without regard to the 6-month waiting period prescribed, of certain calcines and matte proposed to be disposed of pursuant to the Strategic and Critical Materials Stockpiling Act.

Sent to the Senate without amendments:

Interstate commerce taxation: H.R. 4363, to amend Public Law 86-272 relating to State taxation of interstate commerce.

Sent to the Senate amended:

Puerto Rico: H.J. Res. 124, to amend the Puerto Rican Federal Relations Act by removal of debt-limitation provisions.

U.S. merchant vessel and waterfront security: H.R. 4469, to amend the Subversive Activities Control Act of 1950 so as to provide that no individual who willfully fails or refuses to answer, or falsely answers, certain questions relating to subversive activities, when summoned to appear before certain Federal agencies, shall be employed on any merchant vessel of the United States or within certain waterfront facilities in the United States.

Bills not considered:

Passed over without prejudice: H.R. 846, 859, 861, 873, and 4539.

Objected to: S. 307, H.J. Res. 32, and 143.

Pages 4137-4144

Feed Grains Program: By a record vote of 231 yeas to 185 nays the House adopted the conference report on H.R. 4510, to provide a special program for feed grains for 1961, and sent the legislation to the Senate.

Pages 4144-4151

Suspension Passages: The following bills were considered and passed under suspension of the rules:

Sugar Act extension: H.R. 5463, to amend and extend for 18 months the Sugar Act of 1948, with an amendment respecting foreign purchases (by a record vote of 284 yeas to 129 nays).

Pages 4151-4160

Foreign central banks' income: H.R. 5189, to exempt from tax income derived by a foreign central bank of issue from obligations of the United States (by a voice vote).

Pages 4160-4161

Veterans' insurance dividends: H.R. 4539, to amend U.S. Code to provide for immediate payment of dividends on insurance heretofore issued under section 621 of the National Service Life Insurance Act of 1940 which has been converted or exchanged for new insurance under such section, amended (by a voice vote).

Pages 4164-4165

Veterans' vocational rehabilitation: H.R. 848, to amend U.S. Code to provide vocational rehabilitation to certain veterans in need thereof to overcome the

handicap of a disability incurred in or aggravated by active service after World War II and before the Korean conflict, or after the Korean conflict, amended (by a voice vote).

Pages 4165-4167

Longshoremen and harbor workers: H.R. 1258, to amend the Longshoremen's and Harbor Workers' Compensation Act to provide increased benefits in case of disabling injuries, amended (by a voice vote).

Pages 4167-4168

California beach erosion control: S. 307, to authorize certain beach erosion control of the shore in San Diego County, Calif. (cleared for President by a voice vote).

Pages 4168-4169

Military Construction Authorization: By a voice vote the House adopted H. Res. 227, the open rule providing for the consideration of, and 3 hours of debate on, H.R. 5000, to authorize certain construction at military installations, but deferred the consideration of the bill to Wednesday.

Pages 4169-4170

Quorum Call and Record Votes: During the proceedings of the House today one quorum call and two record votes developed and they appear on pages 4150-4151, 4159, and 4160

Program for Wednesday: Adjourned at 4:55 p.m. until Wednesday, March 22, at 12 o'clock noon, when the House will consider H.R. 5000, to authorize certain construction at military installations (3 hours of debate), also may consider H.R. 3935, to amend the Fair Labor Standards Act of 1958 in regard to increasing the Federal minimum wage (7 hours of debate).

Committee Meetings

WATERSHED

Committee on Agriculture: Subcommittee on Conservation and Credit met in executive session and approved watershed projects for the States of Kentucky, New Mexico, Hawaii, and Florida.

The subcommittee passed over various other watershed projects, for the States of South Carolina, Virginia, and Kentucky-Tennessee.

MILITARY POSTURE

Committee on Armed Services: Met in executive session to continue national military posture briefings. Heard testimony from Eugene M. Zukert, Secretary of the Air Force; Gen. T. D. White, Chief of Staff, Air Force; and other Air Force witnesses. Briefings will continue Thursday, March 23.

DISTRESSED AREAS

Committee on Banking and Currency: Met in executive session and ordered favorably reported to the House S. 1 (amended), to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically distressed areas.

AID TO HIGHER EDUCATION

Committee on Education and Labor: Special Subcommittee on Education met in executive session on H.R. 5266, to authorize assistance to public and other non-profit institutions of higher education. No announcements were made, and the subcommittee will continue, in executive session, on this subject Friday, March 24.

SCHOOL AID

Committee on Education and Labor: General Subcommittee on Education continued hearings on H.R. 4970, to authorize a 3-year program of Federal aid for public elementary and secondary schools. Witnesses heard were Senator Goldwater; the former Secretary, Health, Education, and Welfare; and various public witnesses. Hearings continue Wednesday, March 22.

UNEMPLOYMENT

Committee on Education and Labor: Subcommittee on Unemployment and Impact of Automation continued hearings on general unemployment, and heard testimony from a public witness. Hearings continue Wednesday, March 22.

INTERNATIONAL ORGANIZATIONS

Committee on Foreign Affairs: Subcommittee on International Organizations and Movements heard a briefing by Harlan H. Cleveland, Assistant Secretary of State for International Organization Affairs.

REORGANIZATION ACT OF 1949

Committee on Government Operations: Subcommittee on Executive and Legislative Reorganization met in executive session and rescinded amendments, adopted February 28, to S. 153, to further amend the Reorganization Act of 1949. The bill was again ordered reported to the full committee.

FOREIGN OPERATIONS AND MONETARY AFFAIRS

Committee on Government Operations: Subcommittee on Foreign Operations and Monetary Affairs met in executive session. No announcements were made.

PUBLIC LANDS

Committee on Interior and Insular Affairs: Subcommittee on Public Lands heard a general briefing by Defense Department representatives concerning military ranges and related installations and bases in connection with land withdrawals. The subcommittee will meet again Wednesday, March 22.

EDUCATIONAL TELEVISION

Committee on Interstate and Foreign Commerce: Subcommittee on Communications and Power continued hearings on H.R. 132, and related bills, to provide grants for educational television broadcast facilities. Testimony was given by Representatives Harris and Hemp-

March 22, 1966

equipment and other items; technical assistance; skilled manpower from the Peace Corps; development grants; transitional, sustaining or emergency grants; development loans repayable in local currency; and development loans repayable in dollars, with special terms of repayment that will meet the needs of the recipient country. These tools will be coordinated with the activities of the Export-Import Bank, and with loan and investment guarantees to private enterprise. ***

"I recommend, therefore, an authorization for the new aid agency of not less than 5 years, with borrowing authority also for 5 years to commit and make dollar repayable loans within the limits spelled out below. ***

"Consequently, while the funds requested by my predecessor will be sharply shifted in terms of their use and purpose, I am asking the Congress for a total foreign aid budget of new obligational authority no greater than that requested in the rockbottom budget previously submitted (\$4 billion) despite the fact that the number of new nations needing assistance is constantly increasing; and, though increasing such authority for non-military aid while reducing military assistance, this budget provides for a level of actual expenditures on nonmilitary aid no greater than reflected in the previous budget -- \$1.9 billion. These figures do not, of course, reflect Public Law 480 operations."

Sen. Keating expressed skepticism over parts of the message, particularly the creation of a agency to handle foreign aid and the request for appropriations over a 5-year period rather than a 1-year period. p. 4215

Sens. Javits and Cooper commended the message. pp. 4215, 4266-7

3. UNEMPLOYMENT COMPENSATION. Both Houses agreed to the conference report on H. R. 4806, to provide for the establishment of a temporary program of extended unemployment compensation for unemployed workers, including Federal employees and veterans. The House agreed to the report by a vote of 362 to 31. This bill will now be sent to the President. pp. 4238-44, 4270-5
4. FARM LABOR. Sen. Holland criticized the showing by the British Broadcasting Corporation, under an arrangement with the Columbia Broadcasting System, of the film, "Harvest of Shame," depicting certain conditions of migratory farm workers in this country, and debated this matter with Sen. Williams, N. J., and other Senators. pp. 4260-6
5. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 107, to authorize the construction of the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as participating project of the Colorado River storage project (S. Rept. 83). p. 4202
6. GRANTS-IN-AID. Received from the Advisory Commission on Intergovernmental Relations a report, "Modification of Federal Grants-in-Aid for Public Health Services." p. 4201
7. NOMINATIONS. Confirmed the nomination of Robert S. Shriver, Jr., to be Director of the Peace Corps. p. 4200
The Interior and Insular Affairs Committee reported the nomination of Raphael M. Paiewonsky to be Governor of the Virgin Islands. p. 4200
8. TEXTILE IMPORTS. Sen. Bridges urged action to impose greater restrictions on the importation of textiles and textile products. p. 4207
Sen. Dirksen inserted a statement of the National Assoc. of Wool Manufacturers on the "urgent need for quotas to control low-wage imports of textiles and apparel." p. 4214

9. YOUTH CONSERVATION CORPS. Sens. Gruening and Humphrey spoke in favor of establishing a Youth Conservation Corps and inserted articles endorsing it. pp. 4213,4260
10. MINIMUM WAGES. Sen. Goldwater inserted numerous articles and editorials opposing enactment of legislation to raise the minimum wage level. pp. 4219-26
11. FARMER COMMITTEES. Sen. Hart commended the recommendation in the President's farm message that "commodity groups work directly on the initial formulation of their commodity programs," and inserted his letter to Secretary Freeman urging that the commodity groups have a representative to give the viewpoint of the consuming public. p. 4269
12. ELECTRIFICATION. Sen. Bennett inserted several letters and statements opposing enactment of legislation to authorize construction of the Burns Creek public power project.
13. ADJOURNED until Fri., Mar. 24. p. 4269

HOUSE

14. DEPRESSED AREAS. The Banking and Currency Committee reported with amendment S. 1, to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically distressed areas (H. Rept. 136). p. 4341
15. REORGANIZATION. The Government Operations Committee voted to report (but did not actually report) H. R. 5742, to extend the Reorganization Act of 1949. p. D190
16. WATER-HYACINTHS SEEDS. A subcommittee of the Judiciary Committee voted to report to the full committee with amendment H. R. 2041, to remove the restriction on the interstate shipment of water-hyacinth plants or seeds to certain areas where the plants are unable to survive winter weather. p. D190
17. ADMINISTRATIVE ORDERS. A subcommittee of the Judiciary Committee voted to report to the full committee H. R. 5656, to provide for reasonable notice of applications to the U. S. courts of appeals for interlocutory relief against the orders of certain administrative agencies. p. D190
18. MINIMUM WAGES. Began debate on H. R. 3935, to amend the Fair Labor Standards Act and increase the minimum wage gradually to \$1.25 an hour. pp. 4313-8
19. TEXTILE IMPORTS. Reps. Hemphill and Seely-Brown urged greater restrictions on the importation of textiles and textile products. pp. 4318-22, 4335-6
20. PEACE CORPS. Rep. Staggers spoke in opposition to the President's proposal to establish a Peace Corps. pp. 4326-8
21. FOREIGN AID. Rep. Pelly criticized the President's message on foreign aid, particularly the "proposal calling for funding foreign aid outside of congressional appropriations as called for by our Constitution." pp. 4336-7

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of March 23, 1961
87th-1st, No. 51

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HIGHLIGHTS: House committee reported bill to provide additional authorization for Public Law 480. House subcommittee voted to report bill to extend Mexican farm labor program. Senate committee voted to report third supplemental appropriation bill. House committee reported bill to extend Reorganization Act. House debated minimum wage bill.

HOUSE

1. **SURPLUS COMMODITIES; FOREIGN TRADE.** The Agriculture Committee reported without amendment H. R. 4728, to amend Public Law 480 so as to provide an additional authorization of \$2 billion during 1961 under title I for sales of surplus commodities for foreign currencies (H. Rept. 196). p. 4417
2. **FARM LABOR.** The Equipment, Supplies, and Manpower Subcommittee of the Agriculture Committee voted to report to the full committee H. R. 2010, to extend the Mexican farm labor program. p. D193
3. **REORGANIZATION.** The Government Operations Committee reported without amendment H. R. 5742, to amend and extend the Reorganization Act of 1949 so that it will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963 (H. Rept. 195). p. 4417
4. **HOUSING LOANS.** The Veterans' Affairs Committee reported with amendment H. R. 5723, to extend the veterans' guaranteed and direct home loan program and to provide additional funds for the veterans' direct loan program (H. Rept. 194). p. 4417
5. **MINIMUM WAGES.** Continued debate on H. R. 3925, to amend the Fair Labor Standards Act and increase the minimum wage gradually to \$1.25 an hour. pp. 4345-4409

6. APPROPRIATIONS. The Appropriations Committee was granted permission until midnight Fri. to file a report on the Treasury-Post Office appropriation bill for 1962. p. 4343
7. DEPRESSED AREAS. Received an Abilene, Kan., Chamber of Commerce resolution opposing the Douglas area redevelopment bill. p. 4419

SENATE

8. THIRD SUPPLEMENTAL APPROPRIATION BILL FOR 1961. The Appropriations Committee marked up and voted to report (but did not actually report) with amendments this bill, H. R. 5188. p. D192

ITEMS IN APPENDIX

9. FARM LABOR. Extension of remarks of Rep. Cohelan inserting an article, "United States Echoes Migrant Plight," and stating that it points out certain important aspects of the pressing migrant farm labor problem. pp. A2038-9
10. CREDIT UNIONS. Extension of remarks of Rep. Mason discussing his proposed "tax loophole closers" bills to impose income tax on credit unions. pp. A2039-40
11. LIVESTOCK. Extension of remarks of Rep. Shriver inserting an article citing the importance of the livestock industry to Kansas' economy, and stating that "it would be pertinent to place before the Members some of the facts of an industry which flourishes without a program of Federal subsidies." p. A2042
12. SMALL BUSINESS. Extension of remarks of Rep. Evins inserting a statement summarizing the objectives of the Small Business Act and the recent accomplishments in carrying out these objectives. pp. A2050-1
13. DEPRESSED AREAS. Extension of remarks of Rep. Flood inserting a Pa. State press release describing the areas of labor surplus in Pa., and stating that the report underscores the need for passage by the House of the area redevelopment bill. p. A2053
14. PEACE CORPS. Extension of remarks of Rep. Fascell inserting an article, "Kennedy's Peace Corps Could Uplift Youth." p. A2057
15. FARM PROGRAM. Extension of remarks of Rep. Andersen inserting an address by Rep. Weaver on the general subject of farm policy and stating that "it points up the need for a sound and workable policy for the Nation's farmers." pp. A2057-8
16. LABOR STANDARDS. Extension of remarks of Rep. Santangelo inserting an address by Rep. Giaimo discussing the minimum wage law, its proposed increases, extended coverage and proposed substitutions. pp. A2063-5

BILLS INTRODUCED

17. RESEARCH. H. R. 5882, by Rep. Rhodes, Ariz., to provide for a program of weather modification to be carried out by the Secretary of the Interior, acting in cooperation with the National Science Foundation, to increase

FURTHER AMENDING THE REORGANIZATION ACT OF 1949, AS AMENDED, SO THAT SUCH ACT WILL APPLY TO REORGANIZATION PLANS TRANSMITTED TO THE CONGRESS AT ANY TIME BEFORE JUNE 1, 1963

MARCH 23, 1961.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DAWSON, from the Committee on Government Operations, submitted the following

R E P O R T

[To accompany H.R. 5742]

The Committee on Government Operations, to whom was referred the bill (H.R. 5742) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 5742 was introduced by Hon. Dante B. Fascell, of Florida, to reinstate until June 1, 1963, the authority given the President by the Reorganization Act of 1949 to transmit to the Congress reorganization plans. Such plans take effect unless a resolution of disapproval is passed by either the House or the Senate within 60 days from the date of transmittal.

The 1949 act was given a duration of 4 years, was extended in 1953 for 2 years and similarly in 1955 and 1957 for 2 years. This committee and the House voted to extend the act in 1959 but the Senate declined. The 1949 law required an "authorize majority" of either House to pass a resolution of disapproval of a reorganization plan. In 1957 the Congress made it easier to disapprove a plan by amending the law to require only a simple majority of those present in either House to pass such a resolution. This change is retained in the law and will not be affected by this extension.

GENERAL STATEMENT

Under the Reorganization Act the President, instead of being required to submit executive reorganizations to Congress in the form of bills, may send up a reorganization plan which becomes law unless the Congress acts to disapprove it. The disapproval must be total; that is, the entire plan must be rejected. No amendments are permitted. This authority has been given to the President in various forms since 1932, but never on a permanent basis. It is grounded on the theory that reorganization of the executive departments and agencies to promote economy and efficiency is a cooperative function of the President and the Congress and warrants the unusual procedure contained in the law.

The Reorganization Act of 1949 was more comprehensive in scope than previous legislation and was a cardinal recommendation of the First Hoover Commission on Organization of the Executive Branch of the Government. Extensive use of the authority was made by President Truman and President Eisenhower in the early years of his administration. President Kennedy through the Director of the Bureau of the Budget has informed the committee that enactment of legislation to extend the Reorganization Act is an essential element in the President's program.

Under the rules of the House, this committee is given the responsibility of evaluating the effect of laws enacted to reorganize the executive branch of the Government and studying the operation of Government activities at all levels with a view to determining its economy and efficiency. With this responsibility always in mind the committee favorably reported the Reorganization Act of 1949 and recommended its successive extensions. It believes the act has proved a useful tool in the past and should be continued. With the modification made in 1957 requiring only a simple majority of either House to pass a disapproval resolution the powers of neither the executive nor legislative branches seem to be greatly out of balance.

Criticisms have been made and the committee has been concerned with the tendency of the Executive to draft reorganization plans in general terms so that the full scope of the reorganization is not always readily apparent from the contents of the plans as presented. At times, the plans seem to confer on Department and agency heads such unrestricted redelegation authority that they are able to effect further substantial reorganizations without referring them to the Congress. In its review of any plans submitted under the bill the committee will insist that they be composed with such detail that their full import is readily ascertainable. The committee is also undertaking a review of the act to see if any improvements are needed.

The committee has also noted a tendency in recent years for the Executive to submit plans without the full justification in reducing expenditures and promoting economy that the bill requires. The committee will insist that the plans submitted be in accord with the language and intent of the act and we will continue to scrutinize with care all plans accordingly.

REPORT OF THE BUREAU OF THE BUDGET ON S. 153 AND IDENTICAL BILL

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 20, 1961.

HON. WILLIAM L. DAWSON,
*Chairman, Committee on Government Operations,
House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: I appreciate the opportunity to state the views of the Bureau of the Budget and the administration on the bill (S. 153) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

As you know, the Congress has provided authority along the lines of that contained in the Reorganization Act of 1949, as amended, rather consistently over the past 30 years. As a consequence, the President has found it possible to initiate reorganization proposals and have them considered by the Congress under an expeditious procedure which reserves to the Congress the ultimate action of approval or disapproval. Under the Reorganization Act of 1949, as amended, some 58 reorganization plans have been transmitted to the Congress, of which 44 have taken effect.

The President, as Chief Executive, is responsible for the efficient management of the executive branch. As the tasks of government become steadily more exacting, and as the range of government's activities becomes more complex in response to the needs of our times, the importance of sound organization and management assumes critical proportions. Economy, efficiency, and clear lines of executive responsibility are central to the faithful execution of the laws. The Reorganization Act provides an essential tool to aid the President in meeting his responsibilities.

I wish to comment specifically on two features of S. 153:

First, the bill proposes to extend the terminal date for transmittal of reorganization plans to June 1, 1963. It is our view that the reorganization plan device should be permanently available to the President and the Congress. If the Congress, however, considers that successive time limitations should continue to be in the act, we suggest that favorable consideration be given to extending the duration of this limitation for the period of each 4-year term of office of the President. Accordingly, if the limitation is to be continued in the statute, we suggest that the authority be extended until June 1, 1964.

Second, the bill as presently written would not affect the provision for disapproval of a reorganization plan by a simple majority of either House of the Congress. As you are aware, the act as developed in 1949 provided for disapproval by a constitutional majority of either House, and this provision remained in effect through the rest of President Truman's term of office and in President Eisenhower's terms until 1957. It is the administration's view that the purposes of the Reorganization Act would be served more effectively by the restoration of the constitutional majority procedure. Such an action would give to President Kennedy the same reorganization authority that was available to President Truman and President Eisenhower from 1949 to 1957.

I appreciate the opportunity to express the views of the administration on this very important matter. The enactment of legislation to extend the Reorganization Act of 1949, as amended, is an essential element in the President's program.

Sincerely yours,

DAVID E. BELL, *Director.*

Action taken on reorganization plans transmitted to the Congress by the President under the Reorganization Act of 1949 and extensions

Plan No.	Allowed to become effective	Department or agency affected
Plan No. 3 of 1947-----	Yes (61 Stat. 954)-----	Housing and Home Finance Agency.
Plan No. 1 of 1948-----	No-----	Department of Labor.
Plan No. 1 of 1949-----	No-----	Federal Security Agency.
Plan No. 2 of 1949-----	Yes (63 Stat. 1065)-----	Federal Security Agency (Department of Welfare).
Plan No. 3 of 1949-----	Yes (63 Stat. 1066)-----	Department of Labor.
Plan No. 4 of 1949-----	Yes (63 Stat. 1067)-----	Federal Security Agency.
Plan No. 5 of 1949-----	Yes (63 Stat. 1067)-----	Veterans' Placement Service Board.
Plan No. 6 of 1949-----	Yes (63 Stat. 1069)-----	Post Office Department.
Plan No. 7 of 1949-----	Yes (63 Stat. 1070)-----	Executive Office of the President (National Security Council, National Security Resources Board).
Plan No. 8 of 1949-----	No-----	U.S. Civil Service Commission.
Plan No. 1 of 1950-----	No-----	Maritime Commission.
Plan No. 2 of 1950-----	Yes (64 Stat. 1261)-----	Federal Works Agency.
Plan No. 3 of 1950-----	Yes (64 Stat. 1262)-----	Department of Commerce (Public Roads Administration).
Plan No. 4 of 1950-----	No-----	National Military Establishment.
Plan No. 5 of 1950-----	Yes (64 Stat. 1263; amended, 68 Stat. 430).-----	Department of the Treasury.
Plan No. 6 of 1950-----	Yes (64 Stat. 1263)-----	Department of Justice.
Plan No. 7 of 1950-----	No-----	Department of the Interior.
Plan No. 8 of 1950-----	Yes (64 Stat. 1264)-----	Department of Agriculture.
Plan No. 9 of 1950-----	Yes (64 Stat. 1265)-----	Department of Commerce.
Plan No. 10 of 1950-----	Yes (64 Stat. 1265)-----	Department of Labor.
Plan No. 11 of 1950-----	No-----	Interstate Commerce Commission.
Plan No. 12 of 1950-----	No-----	Federal Trade Commission.
Plan No. 13 of 1950-----	Yes (64 Stat. 1266)-----	Do.
Plan No. 14 of 1950-----	Yes (64 Stat. 1267)-----	Securities and Exchange Commission.
Plan No. 15 of 1950-----	Yes (64 Stat. 1267)-----	Federal Communications Commission.
Plan No. 16 of 1950-----	Yes (64 Stat. 1268)-----	National Labor Relations Board.
Plan No. 17 of 1950-----	Yes (64 Stat. 1269)-----	Civil Aeronautics Board.
Plan No. 18 of 1950-----	Yes (64 Stat. 1270)-----	Department of Labor.
Plan No. 19 of 1950-----	Yes (64 Stat. 1271)-----	General Services Administration.
Plan No. 20 of 1950-----	Yes (64 Stat. 1272)-----	Department of the Interior.
Plan No. 21 of 1950-----	Yes (64 Stat. 1273)-----	General Services Administration.
Plan No. 22 of 1950-----	Yes (64 Stat. 1277)-----	Federal Security Agency.
Plan No. 23 of 1950-----	Yes (64 Stat. 1279)-----	Department of Labor.
Plan No. 24 of 1950-----	No-----	Department of State.
Plan No. 25 of 1950-----	Yes (64 Stat. 1280)-----	General Services Administration.
Plan No. 26 of 1950-----	Yes (64 Stat. 1280)-----	U.S. Maritime Commission.
Plan No. 27 of 1950-----	No-----	Department of Commerce.
Plan No. 1 of 1951-----	Yes (65 Stat. 773)-----	Reconstruction Finance Corporation.
Plan No. 1 of 1952-----	Yes (66 Stat. 823; amended, 69 Stat. 182).-----	Housing and Home Finance Agency.
Plan No. 2 of 1952-----	No-----	Reconstruction Finance Corporation.
Plan No. 3 of 1952-----	No-----	Housing and Home Finance Agency.
Plan No. 4 of 1952-----	No-----	Reconstruction Finance Corporation.
Plan No. 5 of 1952-----	Yes (66 Stat. 824; amended, 69 Stat. 182).-----	Department of Commerce.
Plan No. 1 of 1953-----	Yes (67 Stat. 631)-----	National Security Resources Board.
Plan No. 2 of 1953-----	Yes (67 Stat. 633)-----	Department of the Treasury.
		Federal Security Agency (Department of Health, Education, and Welfare).
		Reconstruction Finance Corporation.
		Department of the Treasury (Bureau of Internal Revenue).
		Post Office Department.
		Department of the Treasury (Bureau of Customs).
		Department of Justice.
		District of Columbia Government.
		Federal Security Agency.
		Department of Health, Education, and Welfare.
		Department of Agriculture.

Action taken on reorganization plans transmitted to the Congress by the President under the Reorganization Act of 1949 and extensions—Continued

Plan No.	Allowed to become effective	Department or agency affected
Plan No. 3 of 1953-----	Yes (67 Stat. 634)-----	Office of Defense Mobilization (National Security Resources Board). Departments of Army, Navy, and Air Force. Department of the Interior. General Services Administration. Department of Defense.
Plan No. 4 of 1953-----	Yes (67 Stat. 636)-----	Department of Justice.
Plan No. 5 of 1953-----	Yes (67 Stat. 637)-----	Export-Import Bank of Washington.
Plan No. 6 of 1953-----	Yes (67 Stat. 638)-----	Department of Defense.
Plan No. 7 of 1953-----	Yes (67 Stat. 639)-----	Foreign Operations Administration. Institute of Inter-American Affairs. Department of State.
Plan No. 8 of 1953-----	Yes (67 Stat. 642; amended, 69 Stat. 183).-----	U.S. Information Agency. Department of State.
Plan No. 9 of 1953-----	Yes (67 Stat. 644)-----	Executive Office of the President (Council of Economic Advisers).
Plan No. 10 of 1953-----	Yes (67 Stat. 644)-----	Civil Aeronautics Board. Post Office Department.
Plan No. 1 of 1954-----	Yes (68 Stat. 1279)-----	Foreign Claims Settlement Commission. War Claims Commission. International Claims Commission. Department of State.
Plan No. 2 of 1954-----	Yes (68 Stat. 1280)-----	Reconstruction Finance Corporation. Export-Import Bank of Washington. Federal National Mortgage Association.
Plan No. 1 of 1956-----	No-----	Departments of Army, Navy, and Air Force.
Plan No. 2 of 1956-----	No-----	Federal Savings and Loan Insurance Corporation. Federal Home Loan Bank Board.
Plan No. 1 of 1957-----	Yes (71 Stat. 647)-----	Reconstruction Finance Corporation.
Plan No. 1 of 1958-----	Yes (72 Stat. 1799)-----	Defense Mobilization and Civil Defense Agencies.
Plan No. 1 of 1959-----	No-----	Departments of Interior and Agriculture.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman);

[PUBLIC LAW 109—81ST CONGRESS]

[CHAPTER 226—1ST SESSION]

[H.R. 2361]

AN ACT To provide for the reorganization of Government agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

SECTION 1. This Act may be cited as the "Reorganization Act of 1949".

NEED FOR REORGANIZATIONS

SEC. 2. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and

shall determine what changes therein are necessary to accomplish the following purposes:

(1) to promote the better execution of the laws, the more effective management of the executive branch of the Government and of its agencies and functions, and the expeditious administration of the public business;

(2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;

(3) to increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(6) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

REORGANIZATION PLANS

SEC. 3. Whenever the President, after investigation, finds that—

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) the abolition of all or any part of the functions of any agency; or

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the authorization of any officer to delegate any of his functions; or

(6) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganization plan will not have any functions,

is necessary to accomplish one or more of the purposes of section 2(a) he shall prepare a reorganization plan for the making of the reorganizations as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each reorganization included in the plan, he has found that such reorganization is necessary to accomplish one or more of the purposes of section 2(a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function included in the plan the statutory au-

thority for the exercise of such function, and shall specify the reduction of expenditures (itemized so far as practicable) which it is probable will be brought about by the taking effect of the reorganizations included in the plan.

OTHER CONTENTS OF PLANS

SEC. 4. Any reorganization plan transmitted by the President under section 3—

(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more other officers of any agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan such provisions are necessary. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of that found by the President to prevail in respect of comparable officers in the executive branch, and, if the appointment is not under the classified civil service, it shall be by the President, by and with the advice and consent of the Senate, except that, in the case of any officer of the municipal government of the District of Columbia, it may be by the Board of Commissioners or other body or officer of such government designated in the plan;

(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any reorganization;

(4) shall make provision for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with any function or agency affected by a reorganization, as he deems necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have such functions after the reorganization plan is effective, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

(5) shall make provision for terminating the affairs of any agency abolished.

LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATION

SEC. 5. (a) No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of—

(1) abolishing or transferring an executive department or all the functions thereof or consolidating any two or more executive departments or all the functions thereof; or

(2) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(3) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made; or

(4) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

(5) increasing the term of any office beyond that provided by law for such office; or

(6) transferring to or consolidating with any other agency the municipal government of the District of Columbia or all those functions thereof which are subject to this Act, or abolishing said government or all said functions.

(b) No provision contained in a reorganization plan shall take effect unless the plan is transmitted to the Congress before [June 1, 1959.] *June 1, 1963.*

TAKING EFFECT OF REORGANIZATION

Sec. 6. (a) Except as may be otherwise provided pursuant to subsection (c) of this section, the provisions of the reorganization plan shall take effect upon the expiration of the first period of sixty calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty-day period there has not been passed by either of the two Houses a resolution stating in substance that the House does not favor the reorganization plan.

(b) For the purposes of subsection (a)—

(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

(c) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

DEFINITION OF "AGENCY"

SEC. 7. When used in this Act, the term "agency" means any executive department, commission, council, independent establishment, Government corporation, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government, and means also any and all parts of the municipal government of the District of Columbia except the courts thereof. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government.

MATTERS DEEMED TO BE REORGANIZATIONS

SEC. 8. For the purposes of this Act the term "reorganization" means any transfer, consolidation, coordination, authorization, or abolition, referred to in section 3.

SAVING PROVISIONS

SEC. 9. (a)(1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed in respect of or by any agency or function affected by a reorganization under the provisions of this Act, before the effective date of such reorganization, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, have the same effect as if such reorganization had not been made; but where any such statute, regulation, or other action has vested the function in the agency from which it is removed under the plan, such function shall, insofar as it is to be exercised after the plan becomes effective, be considered as vested in the agency under which the function is placed by the plan.

(2) As used in paragraph (1) of this subsection the term "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such reorganization plan takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization effected by such plan or, if there be no such successor, against such agency or officer as the President shall designate.

UNEXPENDED APPROPRIATIONS

SEC. 10. The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

PRINTING OF REORGANIZATION PLANS

SEC. 11. Each reorganization plan which shall take effect shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

TITLE II

SEC. 201. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 202. As used in this title, the term "resolution" means only a resolution of either of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the ——— does not favor the reorganization plan numbered — transmitted to Congress by the President on ———, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; and does not include a resolution which specifies more than one reorganization plan.

SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SEC. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten calendar days after its introduction, it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

SEC. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

SEC. 206. (a) All motions to postpone, made with respect to the

discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

Approved June 20, 1949.

ADDITIONAL VIEWS OF HON. CLARE E. HOFFMAN

Ever since the Congress, in the Economy Act of 1932,¹ gave President Hoover power to submit reorganization plans, the delegation of authority to submit reorganization plans has, in each instance, been a partial surrender of the legislative power of Congress to the President.

The Constitution plainly states:²

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives,

and makes clear that³—

Every Bill which shall have passed the House of Representatives *and* the Senate, shall, before it become a Law, be presented to the President of the United States. [Italic supplied.]

The same section gives the President the veto power. It does not, nor does any other section of the Constitution, authorize the reverse of this procedure which would have the President, through the executive agencies which he controls, propose legislation to the Congress for its approval or rejection.

This bill, if it becomes law, authorizes the President to enact legislation without action of either House—a clear violation of the Constitution.

The Constitution directs the President to⁴—

from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient.

The President also may have, and frequently has actually had, drafts of legislation introduced by request. No more authority is required for him in order to initiate legislation. To go further is to violate the very section of the Constitution which vests the legislative power in the Congress. There is no reason to authorize the President to legislate—give him legislative power—unless we want and need a dictator.

All the reorganization acts that Congress has passed have carried an unconstitutional delegation to the President of the legislative power granted Congress.

Because the President and the executive department have always been free to send to Congress legislative proposals, my position has always been to oppose this unconstitutional delegation of congressional power. Nor has the Congress authority to surrender the power granted by the Constitution, transfer it to a President.

My opposition to what is considered an unconstitutional delegation of congressional authority has been repeatedly stated on the floor⁵ and in reports.⁶

¹ 47 Stat. 413.

² Art. I, sec. 1.

³ Art. I, sec. 7.

⁴ Art. II, sec. 3.

⁵ 95 C.R. 524-255, 891-892; 99 C.R. 777-781; 101 C.R. 780-786; 103 C.R. 11269.

⁶ Additional Views, H. Res. 534 (H. Rept. 2585), 84th Cong., 2d sess., filed July 3, 1956; H.R. 541 (H. Rept. 2599), 84th Cong., 2d sess., filed July 3, 1956; H.R. 8364 (H. Rept. 657), 85th Cong., 1st sess., filed June 27, 1957; H.R. 5140 (H. Rept. 367), 86th Cong., 1st sess., filed May 18, 1959.

In passing, it might further be observed that, as the years have gone by, the opposition to this delegation of authority has steadily increased, as from time to time additional Members, including the present chairman or our committee which reported out this bill, have expressed their opposition.

This change of viewpoint has also been indicated by the lessening of the opposition required to veto plans suggested.⁷

This changing view has also been reflected through the years in debate on the House floor, in hearings and reports of the Committee on Government Operations. (See app. A, compiled by the sole minority (Republican) counsel, J. Philip Carlson.)

The reason for my opposition to the present bill could not be more clearly and cogently expressed than by the statement, and I quote:

I desire to register my recognition of the fundamental objects to and defects in the Reorganization Act. In principle it is a part of the creeping encroachment on a power vested by the Constitution in the Congress; in practice it is a part of the arrogance associated with the claim of executive privilege.

* * * * *

From time to time as extensions of the act have come before the House, the proponents of the bills have shown a tendency to avoid the quicksands of an untenable constitutional argument and to seek a firmer ground for extension in the amenities which they say should be accorded the President to whatever party he may belong.

After 6 years such courtesy, like that accorded a guest who overstays his welcome, becomes tenuous and unsubstantial. For me it no longer is a ground for extending the operation of the act.

It remains constitutionally indefensible. I would let it die.

Because the foregoing statement is but a quotation from the views expressed by the very competent, aggressive, entertaining, instructive, and ever-on-the-job gentleman from California, Mr. Moss, chairman of the subcommittee on which with advantage I have served for so many years, permit me most humbly to suggest that Members of Congress interested in constitutional government read again his statement (Additional Views, H. Rept. 367, May 18, 1959, on H.R. 5140, 86th Cong., 1st sess., pp. 10, 11).

The desire which he so eloquently and persuasively expressed came to pass June 1, 1959. The country has survived.

With a young and vigorous President, so frequently sending messages to Congress, calling for the creation of a utopia, and a humble, obedient party majority accepting his and his advisers' views so quickly and without what some might consider adequate discussion, there would seem to be no reason why we should publicly acknowledge that we are but rubber stamps.

Respectfully submitted.

CLARE E. HOFFMAN.

⁷ Reorganization Act of 1939 (53 Stat. 561) required concurrent resolution.

Reorganization Act of 1945 (59 Stat. 613) required concurrent resolution.

Reorganization Act of 1949 (63 Stat. 203) required a majority of the authorized membership of either House as did amendments of 1953 (67 Stat. 4) and 1955 (69 Stat. 14).

Act of Sept. 4, 1957 (71 Stat. 611), amending the Reorganization Act of 1949, required simple majority of those present and voting in either House.

APPENDIX A

EXCERPTS FROM HOUSE DEBATES, HEARINGS, AND REPORTS WITH REFERENCE TO THE CONGRESSIONAL DISAPPROVAL PROVISIONS OF THE REORGANIZATION ACT OF 1949 AND AS AMENDED

REORGANIZATION ACT OF 1949

Mr. Brown of Ohio:

This provision in this bill, which sets up the requirement whereby each branch of Congress must veto or vote down in any reorganization plan the President may submit, did give me serious concern. Yet I was willing to accept it. Finally I agreed, in the Commission, to accept that section providing we had one other safeguard in the bill. We do have the understanding in the Commission, by the way, that any of us may dissent on any matter, be free to express our own opinion. As I stated, I am willing to accept the section requiring both Houses of Congress to vote down a reorganization plan providing we would have this one safeguard—that there be no permanent authority granted to the President or to his high office to reorganize the Government any time he wants and in any way he wants.

* * * * *

Yes; I agree with the gentleman, but that is a dangerous method to pursue, I am afraid, because we can grant a power to the Chief Executive by a simple majority vote of this Congress, but, under our constitutional processes, if a President does not wish to surrender a power, we cannot take that power away from him by legislative action unless we have a two-thirds majority. That is the one great danger I see in the present bill (Feb. 7, 1949, 95 Congressional Record 901, 902).

Mr. Hoffman of Michigan (after offering an amendment striking out the constitutional majority feature of the bill):

All this amendment does is to preserve half of the congressional power to legislate. All it requires is that when the President sends a plan here it will not become the law of the land if either House of the Congress puts through a resolution disapproving it, saying that it does not approve of the plan.

* * * * *

* * * the prerogatives of the House would be preserved and that the duty of the House to legislate would still rest upon us to act on a plan within a certain time after the President sent it to us (Feb. 7, 1949, 95 Congressional Record 920).

Mr. McCormack:

* * * in my opinion the adoption of this amendment for all practical purposes would mean the ineffective operation of any reorganization bill. This amendment was very seriously considered in the committee. Furthermore, the last reorganization bill carried substantially the same provision as is contained in this bill * * * this amendment, while not intended as such, will bring about the result that this bill will be gutted. I hope the amendment will be defeated (Feb. 7, 1949, 95 Congressional Record 921).

Mr. Judd:

Nothing else ever becomes law or goes into effect unless both Houses of Congress approve. Why should a reorganization plan?

* * * * *

The amendment cannot possibly gut the bill. It merely sticks to the basic system of government that we have had in this Republic for more than a hundred and fifty years whereby the two Houses of Congress and the President legislate, not the President and one House of Congress. What is wrong with that? (Feb. 7, 1949, 95 Congressional Record 921).

Mr. Holifield:

Mr. Chairman, I ask that the Committee of the Whole stand behind the committee on this and vote down the amendment as it will nullify the whole act (Feb. 7, 1949, 95 Congressional Record 922).

Mr. Halleck:

I do not want an ineffective bill, and I am not completely sure what would be ineffective and what would be effective. There are thoughtful people who believe that a one-House veto would still permit the accomplishment of reorganization. I supported the bill providing for a two-House veto. However, I would say to the gentleman very frankly that as between no reorganization measure at all and even a constitutional majority of one House, I would take the latter and see how it works (June 8, 1949, 95 Congressional Record 7439).

Mr. McCormack:

It is much better, in my opinion, to try nothing than to try a proposal for a single House veto on a straight majority [Mr. McCormack had said earlier "a straight majority, called a constitutional majority, but I will call it a straight majority"] because there is nothing to stop any plan which is sent up being defeated (June 8, 1949, 95 Congressional Record 7439).

Mr. Brown of Ohio:

* * * when the question was up before the Commission, I opposed the two-House veto recommendation and took the position that in my opinion inasmuch as it would require the

action of both Houses to enact legislation to do the things which the Commission might recommend, that perhaps at least from a constitutional angle, and to protect the integrity of the Congress, one House should be given the right to veto any action with which they did not agree, and which the President might take in submitting a reorganization plan. However, because I was so deeply interested in seeing that this whole program move forward, I dropped my objections and went along with the Commission in the general recommendation that there be a two-House veto provision in the Reorganization Act. Then, when the reorganization measure came to the floor, I said to the House that it was not in entirely the form I would write the legislation; I expected to support it, and I did vote for it (June 8, 1949, 95 Congressional Record 7440).

Mr. Hoffman of Michigan:

I cannot let the statement of the gentleman from Massachusetts [Mr. McCORMACK] about that disgraceful surrender of the House conferees go without some comment. Under the bill passed by the House a simple majority of both Houses could, by concurrent resolution, defeat a plan. Now, if they fix it so that it requires a constitutional majority, it gives the President more leeway than the other way. If the gentleman will get a few more of these surrenders in here, neither the House nor the Senate would have any authority to veto at all (June 16, 1949, 95 Congressional Record 7838).

Mr. Holifield:

I say that the House has weakened the bill by agreeing to a constitutional majority. That is what we have been fighting over, effective power for the President to reorganize (June 16, 1949, 95 Congressional Record 7838).

1953 EXTENSION OF THE REORGANIZATION ACT

Mr. Dawson (with reference to a one-House versus a two-House veto):

It would give the President great opportunity to put his plans into effect, and I think if one House sustains the plan it should become law (Jan. 27, 1953, Hearings before the Committee on Government Operations, House of Representatives, 83d Cong., 1st sess., on H.R. 1979, p. 4).

Mr. Holifield:

Personally I will support this bill as written and would like to strengthen it to the point where it would take two Houses to stop a reorganization plan sent down (Jan. 27, 1953, Hearings before the Committee on Government Operations, House of Representatives, 83d Cong., 1st sess., on H.R. 1979, p. 8).

Mr. McCormack:

That was a matter we haggled about for a month or 6 weeks. Finally we came out of it with a constitutional majority.

Speaking for myself, I know I would much rather have it stronger, as to the ability of a President to carry out his reorganization plans. I agreed reluctantly because of the practical conditions which existed (Jan. 27, 1953, Hearings before the Committee on Government Operations, House of Representatives, 83d Cong., 1st sess., on H.R. 1979, pp. 11, 12).

* * * * *

I think that the record of the Democratic Party on reorganization bills speaks for itself. We are not changing our position at all. We are consistent * * * (Jan. 27, 1953, Hearings before the Committee on Government Operations, House of Representatives, 83d Cong., 1st sess., on H.R. 1979, p. 14).

Mr. McCormack and Mr. Brown:

Mr. McCORMACK. Mr. Brown, as I understand your testimony on the question of rejection, you favor a simple majority?

Mr. BROWN. No; I do not necessarily favor it. I have always argued that that was all that was necessary, but I have said that if the Senate adopted such a bill I would accept that provision, because I think it is a moot question which makes very little difference in this administration (Jan. 27, 1953, Hearings before the Committee on Government Operations, House of Representatives, 83d Cong., 1st sess., on H.R. 1979, p. 23).

Mr. Meader:

There were 181 rollcalls in the 82d Congress. The highest number of Members ever present in the House of Representatives on those rollcalls was 426. The lowest number present was 233. The average was about 357.

There were only 20 rollcalls on which more than 400 were present. There were almost 20 rollcalls on which less than 300 Members were present. If a reorganization plan came up when there were only 233 Members present in the House of Representatives, although all of the Members opposed the plan except 16 of them, the plan would still go into effect, which is an almost unanimous requirement. As a practical matter of constitutional majority is far more than half of those who are generally present.

This question was before the House on March 13, 1951, in connection with the Emergency Reorganization Act, and the question of a constitutional majority was there voted upon and the House voted at that time in favor of the simple majority by a vote of 158 to 61 (Jan. 27, 1953, Hearings before the Committee on Government Operations, House of Representatives, 83d Cong., 1st sess., on H.R. 1979, p. 26).

Minority report (Democratic)—William L. Dawson, Chet Holifield, Frank M. Karsten, John W. McCormack, Sidney A. Fine, Bill Lantaff, Earl Chudoff, Frank Ikard, Jack B. Brooks, Lester Holtzman, Robert L. Condon, Thomas J. Dodd, Robert H. Mollohan, L. H. Fountain:

* * * we, the undersigned, members of the Committee on Government Operation, feel strongly that the amendment providing a simple majority veto is weakening and dangerous. It may well result, for all practical purposes, in the defeat of most of the future reorganization plans (Minority Report, H. Rept. 6, 83d Cong., 1st sess., Jan. 30, 1953, to accompany H.R. 1979, "Amending the Reorganization Act of 1949 so That Such Act Will Apply to Reorganization Plans Transmitted to the Congress at Any Time Before April 1, 1955," p. 11).

Mr. Brown of Ohio:

At the time we had the Reorganization Act of 1949 before this body we voted, by not a too heavy majority, to require that both bodies of the Congress reject the reorganization plan or plans by a majority vote of both bodies. The bill was sent to the other body and there they wrote into the bill the simple majority provision or that the reorganization plan could be rejected by a simple majority of a single House. The measure then went to conference and was in conference from 4 to 6 weeks. There was considerable discussion of the constitutional question as to whether or not Congress could give to the President greater legislative power than they themselves had. Finally, as a matter of compromise, the 1949 Reorganization Act, as we now know it, was accepted by both Houses, following the submission of the conference report that a reorganization plan can be rejected by a constitutional majority of either House.

As I submitted and introduced this bill, H.R. 1979, and as it was referred to the House Committee on Government Operations, it carried a very, very simple amendment to the Reorganization Act of 1949, which simply changed the expiration date from April 1, 1953, to April 1, 1955.

* * * * *

Later advice was brought to me and to some of the other members of the committee that the other body—which had been so insistent, when the original 1949 act was before us, that a reorganization plan could be vetoed by a simple majority of either House—that the other body was ready to report a bill which contained a provision so as to require only a simple majority to reject a reorganization plan, rather than a constitutional majority as now provided in the Reorganization Act of 1949.

Then a discussion was held as to whether or not, in order to avoid any long-drawn-out conflict between the two Houses, the House committee should accept an amendment to the bill which I had introduced so as to make it carry the same wording as the bills before the Senate.

* * * * *

That amendment was prepared, and it was not prepared on Capitol Hill. It was later submitted to the chairman of the House committee, who had at previous times expressed his belief that a simple majority of one House was all that should be required to veto or reject a Presidential reorganization plan. The amendment was introduced by him in very good faith, with the understanding that the simple majority arrangement was entirely satisfactory to those representing the President in reorganization matters. The amendment was adopted by a majority vote of the Committee on Government Operations (Feb. 3, 1953, 99 Congressional Record 759).

* * * * *

My position * * * was to give the President the exact power contained in the 1949 act. Then, in view of the situation which developed in the other body, which indicated this bill might be sent to conference and develop into the same situation which endangered the 1949 act under the gentleman's able leadership, where it was tied up for 6 weeks between the two Houses, I agreed to accept the Senate amendment. I also took this position in view of the fact that I was given to understand the amendment was entirely satisfactory to the President, as was later made clear by the statement issued by the official press secretary to the President (Feb. 3, 1953, 99 Congressional Record 760).

* * * * *

Mr. McCormack and Mr. Brown of Ohio:

Mr. McCORMACK. I am anxious to know what the gentleman's position is today.

Mr. BROWN of Ohio. I have said I was perfectly willing to give the President the powers contained in the bill as I introduced it, even though he did not request them.

Mr. McCORMACK. In other words, you are going to vote against the amendment.

Mr. BROWN of Ohio. Certainly, since there has been an understanding reached with the other body eliminating the need for such an amendment, and I hope you will also (Feb. 3, 1953, 99 Congressional Record 760).

Mr. Smith of Virginia:

That limitation provided that any reorganization plan proposed by the President could be defeated by a simple vote of a majority of the Members who might be sitting on the floor at the time the bill came up, rather than a constitutional majority * * *.

If you believe in giving the President more extended power, if you believe in giving him the same power the Democrats gave a Democratic President, then you will vote with us to defeat that amendment so that the law may be continued just as the original bill introduced by the gentleman from Ohio provided, namely, merely changing the date of expiration (Feb. 3, 1953, 99 Congressional Record 760-761).

Mr. Brown of Ohio and Mr. McCormack:

Mr. BROWN of Ohio. If I understood the gentleman's position correctly, both in committee recently and in 1949 when we had the original 1949 Reorganization Act before us, it was his position that there should be given to the President the power to put into effect a reorganization plan unless a constitutional majority of both Houses rejected it. Was that the position of the gentleman?

Mr. McCORMACK. No; that was not my position.

Mr. BROWN of Ohio. Was that not the gentleman's position?

Mr. McCORMACK. No. My position was that unless there was a concurrent resolution introduced, which meant that both bodies had to reject it by a simple majority.

Mr. BROWN of Ohio. Then the gentleman stood for rejection by both bodies?

Mr. McCORMACK. Yes.

* * * * *

Mr. BROWN of Ohio. That was the gentleman's position. The gentleman served on the conference committee.

Mr. McCORMACK. Exactly.

Mr. BROWN of Ohio. And the gentleman brought in, did he not—

Mr. McCORMACK. A constitutional majority, exactly; reluctantly so, yes; reluctantly so.

Mr. BROWN of Ohio. I understand.

Mr. McCORMACK. I wanted the two-body rejection. Yes, I reluctantly agreed to it (Feb. 3, 1953, 99 Congressional Record 761).

Mr. McCormack:

Without regard to party, I think it is for the best interest of the country to give to President Eisenhower the authority contained in the present law. I would go further, I will be frank, I would go for a two-House veto; I believe in it, but that question is not before the House today (Feb. 3, 1953, 99 Congressional Record 762).

Mr. Halleck:

In order that my position may be made perfectly clear, I am going to support this bill, I am going to vote against the amendment, if it is offered, and I am going to vote for the bill on passage. I think that is the attitude that most of us are going to take.

* * * * *

We all realize that earlier when this matter was before the other body there was insistence on the simple majority. It has been pointed out by my friend from Ohio [Mr. BROWN] that the matter was long in conference. It became something of a crisis before the matter was brought out of conference. So I can understand the things that were in the minds of our people on the committee.

* * * * *

But since that time it is now evident and apparent to all of us that what is really desired, and what we ought to give to the President is the power contained in the bill as originally introduced by the gentleman from Ohio [Mr. BROWN] (Feb. 3, 1953, 99 Congressional Record 763).

* * * * *

I do not know how much difference the matter of the simple majority and the matter of the constitutional majority would make in practice. I understand that in this body there was only one occasion when a plan would have been defeated under the simple majority operation, but it did carry and was not vetoed here because of the requirement for the constitutional majority. Now, certainly if the experience in the other body were the same as that, then it would be tweedledee and tweedledum as to which plan we adopted (Feb. 3, 1953, 99 Congressional Record 764).

Mr. Holifield:

Their [the Republicans] unanimous passage of the Hoffman amendment which weakens the chance of reorganization plans being accepted by the Congress, is consistent with their past record of antagonism to reorganization (Feb. 3, 1953, 99 Congressional Record 767).

* * * * *

Mr. HOFFMAN of Michigan. In 1945, 168 Republicans voted for this same amendment.

Mr. HOLIFIELD. That is true. The Republicans voted for the simple majority amendment, and that proves my point, that they want a simple majority amendment in order to be able to defeat reorganization plans because we all admit under the simple majority plan, it is easier to defeat a plan than under the constitutional majority system (Feb. 3, 1953, 99 Congressional Record 767).

Mr. Meader and Mr. Holifield:

Mr. MEADER. I wonder if the gentleman will also recall that 2 years ago when the Emergency Reorganization Act was before us, the simple majority was adopted by this House under Democratic control by a vote of 158 to 61.

Mr. HOLIFIELD. I remember it very well. I remember that the gentleman who addressed me presented the amendment, and he specifically stated that it applied only to emergency reorganization plans and did not apply to permanent reorganization plans, and to follow up the gentleman's comment, I will point out that after his amendment was adopted, in the Committee of the Whole House, the bill was defeated later in the House because of that amendment (Feb. 3, 1953, 99 Congressional Record 767).

Mr. Judd:

I do not think any plan ought to go into effect if a majority of either House of the Congress disapproves. Nothing else becomes law unless it is approved by both branches of

the Congress. Why should a reorganization plan? (Feb. 3, 1953, 99 Congressional Record 768).

Mr. Holifield:

If President Eisenhower really wants the power to reorganize, as his representative Mr. Dodge requested, and as contained in his speech yesterday, I am anxious to give it to him. But if President Eisenhower does not realize the important difference between a simple majority and a constitutional majority approving reorganization plans, and is willing, as Mr. Hagerty's statements seem to indicate, to accept the simple majority provision which spells disaster for reorganization, then I must consider carefully how I shall vote on this matter (Feb. 3, 1953, 99 Congressional Record 768).

Mrs. Church:

* * * there has been no time during my experience on the committee or as a Member of the House that I have not taken the following viewpoint: First, that reorganization is desperately necessary; and, second, that if we give the Executive the power to reorganize it is neither wise nor necessary to curb that power. May I say incidentally that I think any question of constitutionality lies in whether the Congress has a right to bestow the power rather than in the amount that we bestow. I personally favor the extension; and am against the committee amendment requiring a simple majority rather than a constitutional majority for veto (Feb. 3, 1953, 99 Congressional Record 768).

Mr. Meader:

Mr. Chairman, I intend to vote to extend for 2 years the President's power to present reorganization plans. I also intend to vote for the committee amendment which will permit either House of the Congress to reject such plans by a majority of those present voting, which is the usual method of taking legislative action (Feb. 3, 1953, 99 Congressional Record 771).

* * * * *

Even the Democratic 82d Congress went on record clearly and officially as being overwhelmingly opposed to the principle of the constitutional majority for rejecting reorganization plans.

March 13, 1951, this House had before it the emergency reorganization bill of 1951. That was the quickie reorganization bill. That day I proposed an amendment, the purpose of which was to provide that emergency reorganization plans could be rejected by either House by a simple majority rather than a constitutional majority. The amendment was debated heatedly and extensively. On a teller vote, the Committee of the Whole adopted the simple majority rule by 158 to 61, a vote of better than 2½ to 1—Congressional Record, volume 97, part 2, pages 2329-2334 (Feb. 3, 1953, 99 Congressional Record 772).

* * * * *

Half of the authorized membership sounds relatively innocuous. It does not seem to approach in difficulty the two-thirds of those present and voting necessary to override a Presidential veto of legislation.

A brief review of the rollcall votes of the last Congress, however, will quickly convince the dispassionate observer that the requirement of a constitutional majority is a formidable obstacle to the expression of congressional will (Feb. 3, 1953, 99 Congressional Record 773).

Mr. Curtis of Missouri:

I am opposed to the bill, basically; whether it is amended or not amended makes no difference. It is unconstitutional. The Constitution prescribes that the Congress shall legislate and that the President may veto; not that the executive branch of government shall legislate and the legislative branch veto. These basic powers cannot be granted away except if the people of this country, in their wisdom and in accordance with the methods prescribed by the Constitution for amendment, decided to do so (Feb. 3, 1953, 99 Congressional Record 774).

* * * * *

The issue is simple. Either this act is constitutional or it is not. Those who believe it is unconstitutional, as I do, must vote against it (Feb. 3, 1953, 99 Congressional Record 775).

Mr. Fountain:

After we pass this legislation by a simple majority, I see no reason why we should not require a constitutional majority of either House to reject or disapprove any reorganization plans submitted. After the President has done his job in preparing plans, pursuant to authority given him by what legally could be a simple majority of both Houses, I doubt the wisdom of permitting ourselves later on to destroy all of his labors by that same majority in either House. The reasons are obvious (Feb. 3, 1953, 99 Congressional Record 775-776).

Mr. Hoffman of Michigan:

Mr. Chairman, I am under no illusions about what will happen to this committee amendment, which, by the way, was offered by me after I was assured that it met with the approval of the administration.

But, to be frank, let me say that regardless of what the administration wanted I would have offered the same amendment. It is in the bill that was reported out without objection in the other body previous to the time our committee meeting was held. That amendment but expresses the opinion which I have held ever since I came here in 1935.

* * * * *

One serious constitutional objection is met by the committee amendment. The unamended act requires that a majority of the authorized membership of each House is necessary to reject a reorganization plan. The amend-

ment would restore the historic constitutional test for effective action of the Houses of Congress.

Those who feel that 218 affirmative votes—a majority of the authorized membership—should be necessary for effective legislative action in the House, or 49 affirmative votes in the Senate, should address themselves to a constitutional amendment.

To call such a requirement a “constitutional majority” is a farce. It is an innovation of the New Deal, repugnant to and designed to frustrate the Constitution.

No such test for legislative action is recognized by the Constitution. None can be imposed by legislation short of an amendment to the Constitution.

* * * * *

Now why do I oppose this reorganization bill with or without the amendment, if you please? Because I do not believe that Congress should delegate its legislative power to the executive branch of the Government (Feb. 3, 1953, 99 Congressional Record 777).

Mr. Judd:

Mr. Chairman, this amendment which is being offered now is the very same amendment I offered in October 1945. It came within 14 votes of being adopted. I offered it again in 1949 and it almost carried. Practically all the Republicans voted for it and a good many Democrats voted for it. It is the same amendment. If I believed it was sound principle when we were in the minority, it is still sound principle when we are in the majority (Feb. 3, 1953, 99 Congressional Record 782).

Mr. Byrnes of Wisconsin:

It seems to me no resolution to reorganize that is sent up that cannot muster the approval of a simple majority has any right to become law (Feb. 3, 1953, 99 Congressional Record 783).

1955 EXTENSION OF THE REORGANIZATION ACT

Mr. Patman:

There is one part about this which disturbs me. It looks as if it is in the direction of minority rule. If you by law establish a policy here that requires a constitutional majority, that means that much fewer than the full membership are here on the average vote, and that, therefore, means that the minority can veto the will of the majority. That point is something which does not seem just right to me (Jan. 26, 1955, 101 Congressional Record 771).

Mr. Bolling:

I recognize the force of the gentleman's argument with regard to a constitutional majority, but I think it represents a relatively small infringement on our rights and powers, and the procedure has in the past worked effectively (Jan. 26, 1955, 101 Congressional Record 771).

Mr. Brown of Ohio:

Originally, as some of you may recall, I had rather strong and fixed convictions that it should require only a bare majority of a quorum to reject one of these plans; but inasmuch as the precedent has been established, inasmuch as the Congress has passed on this issue before, and we have operated under the system so long, I expect to support the present plan and the present arrangement whereby a constitutional majority would be required to reject a plan (Jan. 26, 1955, 101 Congressional Record 777).

Mr. McCormack and Mr. Brown of Ohio:

Mr. McCORMACK. * * * Might I also say on the veto power that at one time there was a two-body veto required, you may remember.

Mr. BROWN of Ohio. Yes.

Mr. McCORMACK. While it was a simple majority, nevertheless it required the veto of two bodies. The gentleman will remember the year the constitutional majority was put into the law that we passed a two-body veto.

Mr. BROWN of Ohio. I recall that; very much over my objections.

Mr. McCORMACK. When it went to the Senate it had a one-body veto. Out of the conference there came the constitutional majority. The reason for that was that it was appreciated, based on experience, that a one-body simple majority might defeat, with comparative ease, reorganization plans that were submitted. It was felt that on a reorganization plan there ought to be some reasonable assurances that a clear case had to be made before that reorganization plan was vetoed. That is the reason for the constitutional majority provision.

Mr. BROWN of Ohio. I think the gentleman from Massachusetts [Mr. McCORMACK] will recall that in the debate and the discussion at the time to which he alludes, it was pointed out that for the President to overrule or veto an action of the House there was required a two-thirds vote. It was determined finally in the consultations which took place when the bill was in conference, that it would be only fair to give to the President, the Chief Executive, somewhat the same break that we expected from him on measures that we enacted. In other words, we felt that a constitutional majority to overrule a Presidential action in the reorganization of his own department was not too far out of line and was rather a fair procedure.

Mr. McCORMACK. Yes; the gentleman was a member of that conference, too, as I remember, as I was several years ago, out of which the constitutional majority provision came. But there is a history that justified it and justifies its continuance (Jan. 26, 1955, 101 Congressional Record 778).

Mr. Meader:

The gentleman must remember that once a reorganization plan is sent up it requires a constitutional majority vote to

stop it. The President has the advantage; he can veto a bill repealing the reorganization plan and it would take a two-thirds vote of both Houses to pass the bill over his objection (Jan. 26, 1955, 101 Congressional Record 788).

* * * * *

(After offering an amendment to eliminate the requirement that reorganization plans must be approved by a constitutional majority:)

* * * under the present law, it takes 218 votes in the House against a reorganization plan to defeat it. You will appreciate what that signifies, from the results of a study I made of the rollealls in the 82d Congress. There were 181 rollealls in that Congress. The highest number of Members ever present in the 82d Congress was 426. The lowest number was 233. The average was about 357. There were only 20 of those 181 rollealls on which more than 400 Members were present on the floor. There were almost 20 on which less than 300 Members were present. Suppose a reorganization plan came up for consideration when there were only 233 Members on the floor—and there was such a rolleall in the 82d Congress—it would mean then that only 16 Members of the House could defeat the will of 217 Members.

In other words, I am trying to emphasize that this seemingly innocent constitutional majority provision approaches the degree of voting required to override a Presidential veto, with 357 Members present, the average attendance on rollealls in the 82d Congress. You can see it would be very difficult to get 218 of them to oppose anything recommended by a President. In other words, I say that under the present phraseology, the right of either House of the Congress to reject a reorganization plan is an illusory right (Jan. 26, 1955, 101 Congressional Record 791).

1957 EXTENSION OF REORGANIZATION ACT

Mr. Brooks of Texas:

I believe it is interesting to note the difference in votes required of the Congress in the two different situations. Under the constitutional provisions, a Presidential veto is overridden by two-thirds of the Members present constituting a quorum (majority) and a quorum is presumed to be present, under our rules of procedure, unless questioned.

On the other hand, much more is required of Congress in order to reject a reorganization plan. The law provides that rejections require a majority expression by the authorized membership of either House of Congress.

For example, to override a Presidential veto would require two-thirds of a majority, or a minimum of 33 percent of the Members of either House. Approximately 435 Members of the House; 218 constitute a majority or quorum. Two-thirds of a quorum would be 146 votes required to override a Presidential veto. Under the reorganization authority at least a majority membership of either House, or 51 percent, is required to reject a reorganization plan. Approximately

435 Members of the House; 218 a majority of the "authorized membership"; 218 votes required to reject a reorganization plan. Thus 72 more votes are required to reject a reorganization plan than are required to override a Presidential veto.

As men experienced in the everyday facts of legislative procedure, we all realize the extreme difficulty of meeting such cumbersome requirements in a legislative matter, usually of great complexity and detail. This provision is truly an effective and, I say, improper shackle upon congressional action in the case of reorganization plans.

* * * * *

First, Congress should reserve for itself the power to amend and/or reject any reorganization plan by the more realistic vehicle of a majority of those present and voting.

* * * * *

A half a loaf is better than none. I am convinced that to have this so-called reorganization authority extant is an improper derogation of the constitutional powers of the Congress. If it is to be the law, however, I feel I would be derelict in my sworn duties if I did not make an effort to include the reasonable provisions I have stated above so that the constitutional picture of legislative procedure would not be as distorted as the bill before you would make it (Hearings, May 28, 1957, on H.R. 6711, "Extending the Reorganization Act of 1949," pp. 23, 25).

Mr. Meader:

I favor the provision adopted by the committee changing existing law so as to require only a simple majority of either House to disapprove a proposed reorganization plan. It is very difficult to secure a majority of the authorized membership of either the House or the Senate to disapprove programs urged by a popular President. It should be noted that Reorganization Plan No. 1 of 1951 to abolish the Board of Directors of the Reconstruction Finance Corporation and vest the authority in an administrator whose term was unlimited would have been defeated in the House of Representatives by a vote of 200 to 198 if the House could have acted as it does in most legislative matters by a simple majority vote—a quorum being present. However, it took effect because opponents of the plan could not muster the 218 votes required by the constitutional majority provision to reject a reorganization plan (June 27, 1957, Minority Views, H. Rept. 657, 85th Cong., 1st sess., H.R. 8364, p. 15).

Mr. Halleck:

However, it does seem to me that the pattern that was established heretofore for other people who have been in the office of the Chief Executive of the United States, which required the constitutional majority before the plan could be turned down, should continue to be the rule and the law in respect to this legislation.

I cannot for the life of me see any reason why it should be changed at this juncture, and I would hope that when the

matter is up for consideration in the committee an amendment may prevail that would turn the procedure back to what it was in the law heretofore (July 10, 1957, 103 Congressional Record, 11250).

* * * * *

Again, I say my one suggestion is that the arrangement we have had for legislative disapproval ought to be continued the way it has existed up to this time. I cannot for the life of me see any reason to change it at this time (July 10, 1957, 103 Congressional Record, 11251).

Mr. Fascell:

There was some opposition with respect to extending this act at all and the fact that Congress would not be able to work its will on these matters. As a result of that type of discussion we proposed this other amendment in the bill which was to do away with the necessity for a majority of the authorized membership to disapprove any Presidential plan and proposed in the legislation that it would be by a simple majority of either the House or the Senate, making the act more flexible and making it easier for Congress to disapprove a Presidential proposal (July 10, 1957, 103 Congressional Record, 11268).

Mr. McCormack:

Personally, I favor the constitutional majority, but I am supporting the bill because this is a compromise and a fair, reasonable one within the committee, without which there might have been difficulty in getting any bill out of the committee. When I make an agreement in committee I go through with the agreement that I make. As I said, I personally favor the constitutional majority; in fact, I think am the one who was mainly instrumental in putting it in the law and having it enacted into law several years ago:

* * * * *

In practical operation the average vote on rollcall is about 400. That would mean there would have to be 201 to reject any reorganization plan. It is true that under the constitutional majority there would have to be 218, and I admit on occasions the necessity of getting that extra vote might be important; but, generally speaking, if you can get 201 you can get 218. Perhaps in rare cases you may not be able to do that (July 10, 1957, 103 Congressional Record 11268).

Mr. Hardy:

I joined other members of the committee in voting to report this legislation out. I am frank to say that I would not have joined them if we had not had section 2 in the bill. If that were taken out I would vote against it because I do not think there is any real reason for a continuation of it in its present form.

* * * * *

Certainly if we give him the right to continue and then deny it by a simple majority, that is all anybody ought to want to give away of our own responsibilities. I think we ought to give back some of them. That is what I am trying to do (July 10, 1957, 103 Congressional Record 11269).

Mr. Holifield:

As long as amendment No. 2, the amendment which provides for a simple majority rather than a constitutional majority stays in the bill, I am willing to go along with it, because this will give to the President the right to call to the attention of the Congress any important reorganization plan he wishes to make but at the same time it will in effect give back to the Congress the regular legislative power, the power of a majority vote of the Congress over that reorganization plan which the President may propose.

So, I am supporting the committee bill with this provision in it, because I think it is a step back toward giving the Congress the power that they should have, according to the responsibility which is placed upon the Congress.

* * * I think that any step toward giving back to the Congress the authority commensurate with the responsibility which the people expect us to exercise is a good step. Therefore if this amendment stays in the bill, I will support it, and if the amendment is stricken from the bill, I will vote against the bill (July 10, 1957, 103 Congressional Record 11272).

Mr. Gross:

I am intrigued by the statements made this afternoon by those who say that this procedure in the past was bad but with this simple majority provision it is a little less worse. That is what it amounts to. The procedure in the past was bad, no good, but this makes it a little more palatable. I am opposed to this procedure in toto and have opposed it ever since I have been a Member of Congress. Unlike the gentleman from Indiana, I hope the bill is defeated (July 10, 1957, 103 Congressional Record 11272).



87TH CONGRESS
1ST SESSION

H. R. 5742

[Report No. 195]

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1961

MR. FASCELL introduced the following bill; which was referred to the Committee on Government Operations

MARCH 23, 1961

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (b) of section 5 of the Reorganization Act
4 of 1949 (63 Stat. 205; 5 U.S.C. 133z-3), as last amended
5 by the Act of September 4, 1957 (71 Stat. 611), is hereby
6 further amended by striking out "June 1, 1959" and insert-
7 ing in lieu thereof "June 1, 1963".

87TH CONGRESS
1st Session

H. R. 5742

[Report No. 195]

A BILL

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By Mr. FASCELL

MARCH 21, 1961

Referred to the Committee on Government Operations

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Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

March 27, 1961

11. PEACE CORPS. Sen. Long, Hawaii, inserted a Hawaii Legislature resolution supporting the establishment of a Peace Corps. p. 4557
12. GRAIN SHIPMENTS; TRANSPORTATION. Sen. Williams, Del., criticized "a shocking situation wherein the U. S. Government in its shipments of grain under the foreign aid program was being grossly overcharged by two shipping companies -- Bloomfield Steamship Co. and the Lykes Bros. Steamship Co., Inc. The shipping charges were financed by the ICA." pp. 4605-7
13. NOMINATION. Confirmed the nomination of Ralphael M. Paiewonsky to be Governor of the Virgin Islands. pp. 4605, 4607-12
14. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the minimum wage bill will probably be considered Apr. 12 or 13th. pp. 4537-8

HOUSE

15. DEPRESSED AREAS. The Rules Committee reported a resolution for consideration of S. 1, to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically distressed areas. pp. 4642
16. REORGANIZATION. The Rules Committee reported a resolution for consideration of S. 153, to amend and extend the Reorganization Act of 1949 so that it will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963. p. 4642
17. FARM LABOR. Rep. Green inserted a letter from Norman O. Nilsen, Ore. Commissioner of Labor, to the H. Agriculture Committee favoring higher wages for migratory labor and discontinuation of the Mexican farm labor program at some fixed date in the future. p. 4639
18. RADIATION CONTROL. Rep. Ashley urged stricter control over the hazards of ionizing radiation. pp. 4631-2
19. FOREIGN AID. Rep. Pelly expressed opposition to "the proposal of President Kennedy for a 5-year \$7.3 billion new foreign aid program," stating that "many of us who constitute a nonpartisan anti-back-door spending group will vigorously fight any bill that authorizes financing of a program by public debt transaction." pp. 4633-4

ITEMS IN APPENDIX

20. TEXTILES. Extension of remarks of Sen. Jordan inserting Sen. Pastore's address concerning the plight of the textile industry and the effect of imports on that industry. pp. A2115-6
Extension of remarks of Rep. Davis, Ga., inserting a Ga. General Assembly resolution requesting Congress to make a study regarding tariff rates of certain imported goods. p. A2157
21. DEPRESSED AREAS. Extension of remarks of Rep. Mathias discussing various depressed areas, with special reference to Hagerstown, Md., and inserting an article describing how that town is taking the matter in its own hands by bringing new industries to the area. pp. A2127-8

22. SOYBEANS. Extension of remarks of Rep. Schwengel inserting a letter and telegram sent to the Secretary by Dale W. McMillen, Jr., president of Central Soya, Fort Wayne, Ind., protesting the "unrealistic price support for soybeans." p. A2129
23. MINIMUM WAGE. Speech in the House by Rep. Gilbert during debate on H. R. 3935, the minimum wage bill. p. A2140
Extension of remarks of Rep. Derounian inserting an article, "The House Passes A Better Wage Bill." p. A2157
24. NATIONAL PARKS. Extension of remarks of Rep. Dingell inserting an article, "A National Policy for the Establishment and Protection of National Parks and Monuments." pp. A2142-3
25. FARM PROGRAM. Extension of remarks of Rep. King inserting an article criticizing the President's farm program. p. A2143
Extension of remarks of Rep. Reifel stating that expenditures under the food-for-peace program "should not be reflected as part of the Department of Agriculture budget and thus be charged to the farmer," and inserting an article, "New Look At Surpluses." pp. A2146-7
26. MILK SANITATION. Extension of remarks of Rep. Johnson, Wis., inserting several Land O'Lakes Creameries resolutions including the taxation of cooperatives, price support program for milk, import quotas, and national uniform sanitary standards for milk. pp. A2144-5
27. PESTICIDE CHEMICALS. Extension of remarks of Rep. Dingell inserting an article, "Health Hazards from Agricultural Chemicals." p. A2146
28. CIVIL DEFENSE. Extension of remarks of Rep. Boggs inserting an article, "Urgent Need for Adequate Civil Defense." p. A2152
29. WATER POLLUTION. Extension of remarks of Rep. Dingell inserting an article, "The Politics of Pollution," and stating that "this is a well-thought-out commentary on why Americans must begin to react vigorously to clean up the soiled and foul waters of our land." pp. A2152-4

BILLS INTRODUCED

30. ROADS. H. R. 5960, by Rep. Riehlman, relating to the financing of the Federal highway program; to Ways and Means Committee. Remarks of author. p. 4635
H. R. 5961, by Rep. Riehlman, to amend certain laws relating to Federal-aid highways, to make certain adjustments in the Federal-aid highway program; to Public Works Committee. Remarks of author. p. 4635
31. LABOR STANDARDS. H. R. 5966, by Rep. Zelenko, to amend the Fair Labor Standards Act, 1938, as amended, to provide for minimum wages for certain persons employed in agriculture; to Education and Labor Committee.
32. NATURAL RESOURCES. S. 1445, by Sen. Byrd, W. Va., to stimulate the Nation's economic growth through accelerated natural resources development; to Agriculture and Forestry Committee.
33. PERSONNEL. S. 1446, by Sen. Smith, Me. (by request), to provide for the adjustment of periods of military leave granted to Federal officers and employees; to Armed Services Committee.

CONSIDERATION OF S. 153

MARCH 27, 1961.—Referred to the House Calendar and ordered to be printed

Mr. BOLLING, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 238]

The Committee on Rules, having had under consideration House Resolution 238, report the same to the House with the recommendation that the resolution do pass.

○

House Calendar No. 30

87TH CONGRESS
1ST SESSION

H. RES. 238

[Report No. 202]

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 1961

Mr. BOLLING, from the Committee on Rules, reported the following resolution;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the
4 Union for the consideration of the bill (S. 153) to further
5 amend the Reorganization Act of 1949, as amended, so
6 that such Act will apply to reorganization plans transmitted
7 to the Congress at any time before June 1, 1963, and all
8 points of order against said bill are hereby waived. After
9 general debate, which shall be confined to the bill and con-
10 tinue not to exceed one hour, to be equally divided and con-
11 trolled by the chairman and ranking minority member of
12 the Committee on Government Operations, the bill shall be

1 read for amendment under the five-minute rule. At the con-
 2 clusion of the consideration of the bill for amendment, the
 3 Committee shall rise and report the bill to the House with
 4 such amendments as may have been adopted and the previ-
 5 ous question shall be considered as ordered on the bill and
 6 amendments thereto to final passage without intervening
 7 motion except one motion to recommit.

House Calendar No. 30

87TH CONGRESS
1ST SESSION

H. RES. 238

[Report No. 202]

RESOLUTION

Providing for consideration of S. 153, a bill to further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

By Mr. BOLLING

MARCH 27, 1961

Referred to the House Calendar and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

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Staff Only)

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HIGHLIGHTS: Senate committee reported sugar bill. House began debate on depressed areas bill. Senate confirmed CCC Board and Bagwell nominations. House passed Treasury-Post Office appropriation bill.

HOUSE

1. THIRD SUPPLEMENTAL APPROPRIATION BILL, 1961. Conferees were appointed on this bill, H. R. 5188 (p. 4715). Senate conferees have already been appointed.
2. TREASURY-POST OFFICE APPROPRIATION BILL, 1962. Passed without amendment this bill, H. R. 5954. pp. 4721-38
3. DEPRESSED AREAS. Began debate on S. 1, the depressed areas bill. pp. 4733-70
4. COMMITTEE ASSIGNMENTS. Rep. William H. Avery, Kan., was elected to the Committee on Rules. p. 4744
5. TEXTILES. Reps. Hemphill, Whitener and Lindsay deplored the increasing U. S. imports of cotton and cotton goods in relation to the economy in the South. pp. 4771-5
6. GOVERNMENT OPERATIONS. Received GAO findings and recommendations for improving Government operations. p. 4781

7. SURPLUS PROPERTY. Received from GSA a proposed bill "to repeal a certain provision of the Independent Offices Appropriation Act, 1961 (74 Stat. 434), regarding the disposal of surplus real property"; to Government Operations Committee. p. 4781
8. REORGANIZATION. The committee report on H. R. 5742, to amend and extend the Reorganization Act, includes the following statement regarding the submission of reorganization plans by the Executive branch:

"Criticisms have been made and the committee has been concerned with the tendency of the Executive to draft reorganization plans in general terms so that the full scope of the reorganization is not always readily apparent from the contents of the plans as presented. At times, the plans seem to confer on Department and agency heads such unrestricted redelegation authority that they are able to effect further substantial reorganizations without referring them to the Congress. In its review of any plans submitted under the bill the committee will insist that they be composed with such detail that their full import is readily ascertainable. The committee is also undertaking a review of the act to see if any improvements are needed.

"The committee has also noted a tendency in recent years for the Executive to submit plans without the full justification in reducing expenditures and promoting economy that the bill requires. The committee will insist that the plans submitted be in accord with the language and intent of the act and we will continue to scrutinize with care all plans accordingly."

SENATE

9. SUGAR. The Finance Committee reported with amendments H. R. 5463, to amend and extend the Sugar Act (S. Rept. 125) (p. 4646). The "Daily Digest" states that the committee adopted amendments which "would (1) limit extension of the act to 15 months (instead of 21 as in House-passed bill); and (2) in regard to re-allocation of Cuban quota, importers of such sugar would pay into U. S. Treasury an amount equal to the difference between world price and U. S. price of raw sugar" (p. D208).
Sen. Church inserted a speech by Sen. Moss before the Cache Co., Utah, Sugar Beet Growers Assoc. "which outlines how extensively sugar has become embroiled in international relations, and suggests some of the problems which must be considered in drafting the new long-term bill." pp. 4664-5
10. NOMINATIONS. Confirmed the nominations of Charles S. Murphy, John P. Duncan, Frank J. Welch, James T. Ralph, Horace Godfrey, and Willard Cochrane to be members of the CCC Board of Directors and John C. Bagwell to be General Counsel of this Department (p. 4702). The nominations were reported earlier by the Agriculture and Forestry Committee (p. 4643).
11. FOREIGN AID. Both Houses received a GAO audit report of the Development Loan Fund (H. Doc. 126). pp. 4644, 4781
Sen. Bridges expressed concern over the expenditure of funds for certain foreign aid activities and inserted a newspaper article criticizing the foreign aid program. pp. 4679-80
Sen. Fulbright stated that the President's message on foreign aid included a number of recommendations submitted in 1957 by the Senate Special Committee To Study the Foreign Aid Program and inserted a summary of the recommendations of the Special Committee. pp. 4681-3

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(For Department
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HIGHLIGHTS: Both Houses agreed to conference report on sugar bill. Both Houses received conference report on supplemental appropriation bill, and House agreed to it. House passed depressed areas bill. House passed reorganization bill. Rep. Schwengel criticized feed grains program. Both Houses received President's proposed housing bill. Sen. Wiley urged inclusion of cheese in school lunch program. President approved bill to modify restriction on farm operating loans. Sen. Keating introduced and discussed farm labor bill. Sen. Sparkman introduced and discussed housing bill.

HOUSE

1. SUPPLEMENTAL APPROPRIATION BILL, 1961. Both Houses received the conference report on this bill, H. R. 5188 (pp. 4901, 4903, 4961-2). The House agreed to the conference report and acted on amendments in disagreement (pp. 4962-5). The conferees eliminated the items on reimbursement of CCC for various programs. The item on the Development Loan Fund was reduced to \$50,000,000 and limited to the Western Hemisphere. (H. Rept. No. 211).
2. DEPRESSED AREAS. Passed, 251-167, with amendments S. 1, to provide aid for depressed areas (pp. 4904-55, 4978). Rejected, 139-242, an amendment by Rep. Widnall in the nature of a substitute, which eliminated the provisions for rural areas and provided for USDA to make a study of this subject (pp. 4928-39). Later rejected a motion by Rep. Widnall to recommit the bill with instructions to report it back with his amendment included, by a 125-291 vote (pp. 4949-54).

Agreed to the following amendments:

- By Rep. Halpern, to make clear that the bill should not result in "raiding industry from one area of the United States to another." pp. 4945-6
- By Rep. Multer, to provide that existing facilities of other Federal agencies would be used "to the fullest extent practicable" rather than "whenever possible." p. 4946
- By Rep. Davis (Ga.), to reduce the number of supergrades from 15 to 5. p. 4947
- By Rep. Montoya, to make clear that the bill would authorize vocational training programs wherever they are feasible for agricultural workers who are unemployed out of season. pp. 4947-8
- By Rep. Montoya, to direct the Commerce Department to establish and conduct a research program on the causes and solutions of unemployment, etc. p. 4948

3. REORGANIZATION. Passed without amendment S. 153, to continue from June 1, 1959, to June 1, 1963, the President's authority to institute reorganization plans unless they are vetoed by Congress. A similar bill, H. R. 5742, was laid on the table. Rejected an amendment by Rep. Hoffman to prohibit effectuation of plans unless approved by a positive vote in both Houses. This bill will now be sent to the President. pp. 4955-61
4. FEED GRAINS PROGRAM. Rep. Schwengel criticized this program and referred to a statement by Dr. Cochrane regarding the anticipated price of corn under the program. p. 4980
5. PURCHASING; SMALL BUSINESS. Rep. Multer reported on recent work and findings of the Small Business Committee regarding Government purchasing, etc. pp. 4965-9
6. PEACE CORPS. Rep. Libonati made various suggestions for administration of the Peace Corps and inserted questions to Mr. Shriver and his answers. pp. 4969-72
7. APPROPRIATIONS. Received from the President amendments to the 1962 Budget for various Government agencies (H. Doc. 129); to Appropriations Committee. p. 4984
8. LEGISLATIVE PROGRAM. Agreed to a concurrent resolution to provide that when the House adjourns today, Mar. 30, it shall stand adjourned until Mon., Apr. 10. Majority Leader McCormack stated that he knew of no business to be transacted on Apr. 10. It was agreed that, on Apr. 11, bills will be in order for consideration under suspension of the rules (if cleared with the minority leadership) and also the Private Calendar. The House is to consider today, Mar. 30, a bill to extend the loan guarantee authority of ICC. pp. 4976-7

ter at the points of the consideration of the various amendments.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. WILLIAMS. Mr. Speaker, on the rollcall to recommit which preceded the last vote on final passage of the area redevelopment bill, I cast my vote after the roll call had been completed, not realizing that it was necessary to qualify. Since I was not in the hall at the time my name was called, I am erroneously recorded. Had I been present and qualified, I would have voted "nay."

I ask unanimous consent, therefore, Mr. Speaker, that the RECORD be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CORRECTION OF VOTE

Mrs. BOLTON. Mr. Speaker, I find I am not recorded as voting on the bill. I answered to my name, and I voted "nay."

The SPEAKER. Did the gentleman vote?

Mrs. BOLTON. I voted "nay" on the passage of the bill.

The SPEAKER. When the gentleman's name was called?

Mrs. BOLTON. Yes.

The SPEAKER. Without objection, the RECORD will be corrected accordingly.

There was no objection.

FIFTH SEMI-ANNUAL REPORT OF THE SECRETARY OF THE INTERIOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I transmit herewith the Fifth Semi-annual Report of the Secretary of the Interior prescribed by section 5 of the act of August 21, 1958, entitled "To provide a program for the discovery of the mineral reserves of the United States, its territories and possessions by encouraging exploration for minerals, and for other purposes."

JOHN F. KENNEDY.

THE WHITE HOUSE, March 29, 1961.

AMENDING THE REORGANIZATION ACT OF 1949

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 238 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that

the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 153) to further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as order on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN]; and pending that I yield myself such time as I may consume.

Mr. Speaker, the resolution just read makes clear its purpose. It is to make in order, under an open rule and with 1 hour of general debate, consideration of S. 153 which would reinstate the so-called Reorganization Act. I know of no opposition to the rule and only very limited opposition to the bill itself.

Mr. Speaker, I therefore reserve the balance of my time.

Mr. BROWN. Mr. Speaker, as the gentleman from Missouri [Mr. BOLLING] has well said, this resolution was adopted by the Committee on Rules by a unanimous vote making in order the consideration of the bill S. 153, a bill to continue or reestablish the Reorganization Act. The bill as passed by the other body is exactly identical with the bill H.R. 5742, which was approved by the House Committee on Government Operations with but one dissenting vote, if I remember correctly.

The bill itself would extend the right of the President to set up reorganization plans between now, or the time of the adoption of this bill, and June 1, 1963, which could be rejected at any time by adoption of a resolution of rejection either by the House or by the Senate within 60 days by a simple majority vote. It is very similar to the law which was in effect during the Eisenhower administration.

Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. FASCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 153) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill S. 153, with Mr. IKARD of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. FASCELL asked and was given permission to revise and extend his remarks.)

Mr. FASCELL. Mr. Chairman, the pending legislation simply revised the Reorganization Act until June 1, 1963. The act has not been in effect. Although this body voted on it last year, it was not acted upon by the Senate.

As you know, under this bill the President has the authority to submit reorganization plans for the Executive Branch of the Government to the Congress. Those plans would become effective unless a resolution of disapproval were passed by either House within 60 days from the date of transmittal of the plan. Under the existing law this requires a simple majority.

This matter has been before the Committee on Government Operations many times and has been approved by them, and in this last case was approved with but one dissenting vote. We have extended this legislation for many years and it has proved to be effective and useful to the Chief Executive in carrying out the mandates of the Congress in the law for the purpose of reorganization, transferring of functions, consolidations, and the elimination of duplications and overlapping. This legislation comes about as the result of the report of the Hoover Commission, on which the distinguished gentleman from Ohio on the minority side [Mr. BROWN] served.

Technically speaking, the bill before us, adopted by the other body, simply strikes out the date of June 1, 1959, and inserts in lieu thereof June 1, 1963. In all other aspects the law remains the same for the purposes of the act.

Similar authority is not new. It has been with us going back over many years. It has been used, as was said in the discussion on the rule, by both Democratic and Republican administrations. Some 58 reorganization plans have been sent down to Congress, and 44 have been acted on favorably. The others were turned down by the Congress of the United States. The President, through the Bureau of the Budget, has indicated the necessity and the desirability of continuing this authority so that he may undertake in this administration such reorganization plans as he may deem advisable within his judgment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Iowa.

Mr. GROSS. Do I correctly understand that this authority expired on June 1, 1959?

Mr. FASCELL. As I explained in my remarks, the House acted on this in the last session of the Congress but it was not acted upon by the other body, so the law lapsed. This will extend it for 2 years.

Mr. GROSS. There has been no difficulty in connection with the working of the law?

Mr. FASCELL. No difficulty, and no reorganization plans, either.

The purpose of the legislation is to give the President the same power as other Chief Executives to send down a reorganization plan. I would point out, too, while I am answering the question, that of course any reorganization plan would have the close scrutiny of the Committee on Government Operations. We have not always gone along with the Executive. As I have said, we turned down quite a few of them. So while there may be a difference of opinion from a legal or a political standpoint in some cases, we believe there is justification and sound reason for the passage of this legislation.

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Ohio.

Mr. BROWN. Any Member can introduce a resolution rejecting the plan?

Mr. FASCELL. The gentleman is absolutely correct. If any Member decides that the reorganization plan does not suit him or that it is inimical to any principles he might hold, he is at liberty under the law to introduce a resolution of disapproval within the required time. There is the further protection in the bill, as I recall it, that the committee must act within 10 days or the committee is discharged from the consideration of the resolution.

Mr. BROWN. The 60 days does not count until after the plan has been transmitted?

Mr. FASCELL. That is a further protection.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Illinois.

Mrs. CHURCH. May I ask the gentleman if it is correct that there is no change in the original bill except the date?

Mr. FASCELL. That is correct. It requires a simple majority of either House. The pending bill simply extends the date.

Mrs. CHURCH. I thank the gentleman.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Michigan.

Mr. MEADER. I commend the gentleman from Florida, a member of the subcommittee which handled this legislation, for his efforts in maintaining the ordinary method of acting on resolutions by the House of Representatives and the other body rather than reverting to the original constitutional majority. I think the legislation is far better when we can work our will in the ordinary way in passing upon legislation.

Mr. FASCELL. I thank the gentleman from Michigan. That points out the fact that in the request from the Bureau of the Budget a request was made for an indeterminate time—no fixed period of time—for the legislation

to expire and they also requested a constitutional majority. In the first study by the subcommittee, we went along with the idea of a 4-year extension and a constitutional majority. On further reflection and consideration, we went back and decided we would go along simply with a 2-year extension and maintain the simple majority that is in the bill for the very reason that the gentleman from Michigan points out.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Iowa.

Mr. GROSS. With the gentleman's explanation, I want to commend the gentleman too, for the bill that has been brought here.

Mr. FASCELL. I thank the gentleman from Iowa.

Mr. BROWN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN], the ranking member of the Committee on Government Operations.

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN of Michigan. Mr. Chairman, the first 15 words in the Constitution state that the legislative power is vested in the Congress of the United States. Then when we came here at the beginning of this session, each raised his right hand and swore that he would support the Constitution. Under this bill, we are delegating the constitutional power to legislate to the President and whatever he sends down here becomes the law of the land unless we, within 60 days, veto his proposal. We filed a report which will be read and, as in other years, it will express opposition to this method. If any Member chooses to let the President legislate for us reserving only to ourselves the veto—if anyone wants to transfer that legislative power to the President, subject to our disapproval, that is his business not mine. That is all I have to say about this bill.

Mrs. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Iowa.

Mr. GROSS. This reorganization plan does not go to the committee?

Mr. HOFFMAN of Michigan. All plans go to the committee, but the plan becomes law if the committee bottles it up or the House fails to act.

Mr. GROSS. The committee is free to amend the plan that is sent down to the White House; is it not?

Mr. HOFFMAN of Michigan. They used to say it was not, but the committee or the House can amend a plan. Somebody said a long time ago that you had to keep your eye on things because unless you did the first thing you knew everything you cherished might be lost.

Mr. GROSS. That is right.

Mr. HOFFMAN of Michigan. Does the gentleman from Iowa think he can shuck off his duty under the Constitution to pass on legislation?

Mr. GROSS. Not at all.

Mr. HOFFMAN of Michigan. Can the Congress shirk its duty to legislate

by attempting to give itself a veto power? We know very well that a President always has sent down bills containing the administration's views—bills which went to the regular legislative committees and then to the Rules Committee, and then to the House.

My views on this bill as expressed in the report reads:

Ever since the Congress, in the Economy Act of 1932,¹ gave President Hoover power to submit reorganization plans, the delegation of authority to submit reorganization plans has, in each instance, been a partial surrender of the legislative power of Congress to the President.

The Constitution plainly states:²

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives," and makes clear that³ "every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States."

The same section gives the President the veto power. It does not, nor does any other section of the Constitution, authorize the reverse of this procedure which would have the President, through the executive agencies which he controls, propose legislation to the Congress for its approval or rejection.

This bill, if it becomes law, authorizes the President to enact legislation without action of either House—a clear violation of the Constitution.

The Constitution directs the President to⁴ "from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

The President also may have, and frequently has actually had, drafts of legislation introduced by request. No more authority is required for him in order to initiate legislation. To go further is to violate the very section of the Constitution which vests the legislative power in the Congress. There is no reason to authorize the President to legislate—give him legislative power—unless we want and need a dictator.

All the reorganization acts that Congress has passed have carried an unconstitutional delegation to the President of the legislative authority granted Congress.

Because the President and the executive department have always been free to send to Congress legislative proposals, my position has always been to oppose this unconstitutional delegation of congressional power. Nor has the Congress authority to surrender the power granted by the Constitution, transfer it to a President.

My opposition to what is considered an unconstitutional delegation of congressional authority has been repeatedly stated on the floor⁵ and in reports.⁶

In passing, it might further be observed that, as the years have gone by, the opposition to this delegation of authority has steadily increased, as from time to time additional Members, including the present chair-

¹ 47 Stat. 413.

² Art. I, sec. 1.

³ Art. I, sec. 7.

⁴ Art. II, sec. 3.

⁵ 55 C.R. 524-525, 891-892; 99 C.R. 777-781; 101 C.R. 780-786; 103 C.R. 11269.

⁶ Additional Views, H. Res. 534 (H. Rept. 2585), 84th Cong., 2d sess., filed July 3, 1956; H.R. 541 (H. Rept. 2599), 84th Cong., 2d sess., filed July 3, 1956; H.R. 8364 (H. Rept. 657), 85th Cong., 1st sess., filed June 27, 1957; H.R. 5140 (H. Rept. 367), 86th Cong., 1st sess., filed May 18, 1959.

man or our committee which reported out this bill, have expressed their opposition.

This change of viewpoint has also been indicated by the lessening of the opposition required to veto plans suggested.⁷

This changing view has also been reflected through the years in debate on the House floor, in hearings and reports of the Committee on Government Operations. (See App. A, compiled by the sole minority (Republican) counsel, J. Philip Carlson.)

The reason for my opposition to the present bill could not be more clearly and cogently expressed than by the statement, and I quote:

"I desire to register my recognition of the fundamental objects to and defects in the Reorganization Act. In principle it is a part of the creeping encroachment on a power vested by the Constitution in the Congress; in practice it is a part of the arrogance associated with the claim of executive privilege.

* * * * *

"From time to time as extensions of the act have come before the House, the proponents of the bills have shown a tendency to avoid the quicksands of an untenable constitutional argument and to seek a firmer ground for extension in the amenities which they say should be accorded the President to whatever party he may belong.

"After 6 years such courtesy, like that accorded a guest who overstays his welcome, becomes tenuous and unsubstantial. For me it no longer is a ground for extending the operation of the act.

"It remains constitutionally indefensible. I would let it die."

Because the foregoing statement is but a quotation from the views expressed by the very competent, aggressive, entertaining, instructive, and ever-on-the-job gentleman from California, Mr. Moss, chairman of the subcommittee on which with advantage I have served for some years, permit me most humbly to suggest that Members of Congress interested in constitutional government read again his statement (Additional Views, H. Rept. 367, May 18, 1959, on H.R. 5140, 86th Cong., 1st sess., pp. 10, 11).

The desire which he so eloquently and persuasively expressed came to pass June 1, 1959. The country has survived.

With a young and vigorous President, so frequently sending messages to Congress, calling for the creation of a utopia, and a humble, obedient party majority accepting his and his advisers' views so quickly and without what some might consider adequate discussion, there would seem to be no reason why we should publicly acknowledge that we are but rubber stamps.

Mr. BROWN. Mr. Chairman, I yield myself 5 minutes.

(Mr. BROWN asked and was given permission to revise and extend his remarks.)

Mr. BROWN. Mr. Chairman, I regret very much that I am unable to say I am a graduate of either the University of Michigan or Northwestern Law School. I went to a little country school in Vir-

ginia called Washington and Lee where I studied law.

I want to say two or three things, if I may, quickly, to correct, if you have the wrong impression, what this legislation will do.

In the first place, this legislation would in no way interfere with the right of Congress to legislate on any matter. The Congress can legislate as the Constitution provides, to create departments, put agencies of Government together, or whatever it might want to do, regardless of whether this legislation is in effect or not.

All this does is to confer upon the President of the United States, as has been conferred upon a number of former Presidents, the power, for a limited time, to submit to Congress, plans for the consolidation or the reorganization of agencies within the executive branch of Government. He can go even further than that; he can recommend to the Congress that certain new agencies be combined; that is, as now constituted they can be given another name, and perhaps even a Cabinet rank. Then, when that particular reorganization plan is submitted to Congress, it is referred to the House Committee on Government Operations, and to the Senate Committee on Government Operations.

Those committees, either one or both of them, hold hearings. Within 60 days any Member of Congress can file a resolution of rejection or a resolution to the effect that he disagrees with this suggested program of reorganization or the reorganization plan itself. A vote is taken in the branch, whichever it may be, House or Senate, and if by a simple majority either branch of the Congress rejects or adopts a resolution rejecting the plan, it is dead. If the Congress does not see fit, or any branch of the Congress does not see fit to do this, it becomes effective within 60 days.

The only controversy we have had over these bills for reorganization plans to be submitted over a number of years has been the type of vote and/or the number of votes that would be required in the Congress to reject the plan.

Originally it required a constitutional majority of both branches of Congress. That was pretty difficult to get. Then later it was a constitutional majority required in one branch. We fought that out. I opposed it. I said that you are going to do this in reverse of the usual procedure of enacting a bill. If the bill fails to get a majority of those present in the House to vote in favor of it, it fails of passage. Therefore, we should have the same right to reject. We had a battle over that on a number of bills in the past.

When the bill S. 153 was messaged over to our committee and taken up, providing for a simple majority, the committee or some members of the committee suggested that the bill be amended so as to require a constitutional majority, which would mean that if there are only 220 Members voting in the House you would have to get 219 of them to vote to reject that particular plan instead of 111. There is a lot of difference there. As the ranking mem-

ber of that subcommittee I stated I would fight that kind of an arrangement, that I would oppose it. Other members of the committee took the same position. As a result an agreement was reached in the subcommittee first, then in the full committee, with the exception of my friend and my leader here, the gentleman from Michigan [Mr. HOFFMAN] who is the ranking member of the full committee, that we would accept this sort of an arrangement.

Out of fairness to the gentleman from Michigan [Mr. HOFFMAN] and to you, I think we should give him credit. Throughout the years he has stood against and has opposed with all the vigor at his command, and he has that vigor, any reorganization act of this kind or any other kind. He just does not believe in that system, and I recognize his right to feel that way, and I respect him for his views. He has expressed them very ably today.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. I want to ask the gentleman one question. Is it not true if the President sends down a reorganization plan it becomes the law of the land unless the Senate or the House takes affirmative action?

Mr. BROWN. That is right. It is equally untrue, as was stated a while ago, that this takes away from the Congress the right to legislate, because it does not.

Mr. HOFFMAN of Michigan. Nobody said it did, but you transfer the right to initiate a bill and it becomes law unless we do something about it. Why should we have to veto it?

Mr. BROWN. We delegate to the President the right to consolidate or to reorganize the agencies in his own department. Unless we find some reason why such reorganization or such a realignment of agencies should be rejected by the Congress, it is approved. That is the right that is given any executive in any corporation in America.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I want to thank the gentleman from Florida and the gentleman from Ohio for their explanation of the bill and the position that has been stated with reference to this bill extending the Reorganization Act of 1949 as amended. I want to, however, raise some questions with both gentlemen with reference to the independent regulatory agencies of the Government.

Mr. BROWN. I think I know what your questions will be.

Mr. HARRIS. Well, I have two or three I want to raise for the RECORD.

First I want to compliment the committee for having reported this bill which requires a simple majority, as the gentleman from Ohio just explained, as well as the gentleman from Florida, and the understanding which the Members are giving to the committee and to the Congress at this time. I think most of you

⁷ Reorganization Act of 1939 (53 Stat. 561) required concurrent resolution.

Reorganization Act of 1945 (59 Stat. 613) required concurrent resolution.

Reorganization Act of 1949 (63 Stat. 203) required a majority of the authorized membership of either House as did amendments of 1953 (67 Stat. 4) and 1955 (69 Stat. 14).

Act of Sept. 4, 1957 (71 Stat. 611), amending the Reorganization Act of 1949, required simple majority of those present and voting in either House.

know that I have been, in our committee, concerned with the problems of the independent regulatory agencies now for some time. We have given a great deal of time and a great deal of thought and a great deal of study in an effort to improve administrative procedures, to find out if there were inadequacies in the law, and to see that those agencies remained independent agencies of the Government, as was intended when they were created by this Congress.

First let me say that I am sure most of you are somewhat familiar with the so-called Landis report to the President of the United States late in December. If you have not read that report, I would like to suggest to you, because of the importance of it and the importance of this subject, that you become familiar with it.

Very frankly, I was quite concerned about several of the recommendations. I am still concerned about several of them, because I think that some of the recommendations have tended toward interfering with the independence of the agencies and toward making them more subservient to the executive, that is, the executive branch of the Government and the White House. That, I do not believe, would be in the best interest of the administrative agencies of this Government and the American people. I suggest you read the statement which I put in the *Record* on March 14 explaining my position as to the responsibility of the Congress and the responsibility of the executive in connection with these agencies. These agencies are an arm of the Congress. They are set up as instruments of the Congress, to legislate primarily on behalf of the Congress, because the Congress is not so constituted to do a lot of the things that must be done. The Congress itself has delegated the powers to these agencies.

So, consequently, I am watching and I am going to watch and our committee is going to watch very carefully and keep a constant check. I say to the distinguished members of the Committee on Government Operations, to the distinguished chairman of the committee and other members, that we are going to be watching very carefully and we are going to be closely scrutinizing any reorganization plans that come up here that intend to carry out some of the provisions at least of the so-called Dean Landis report.

Now, with that statement I would like to ask the gentleman this question: When a reorganization plan is submitted, under the rule it automatically goes to the Committee on Government Operations; is that not true?

Mr. FASCELL. I do not know whether it is under the rule or not, but it goes to the committee.

Mr. BROWN. Mr. Chairman, will the gentleman yield? I think I can answer that question.

Mr. HARRIS. Yes, I yield to the gentleman from Ohio.

Mr. BROWN. In the first place, if the gentleman will study the Reorganization Act of 1949, the basic act which we are amending here, he will see this.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. HARRIS] has expired.

Mr. FASCELL. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BROWN. Mr. Chairman, if the gentleman will study the Reorganization Act carefully—I do not have it in front of me, so I cannot read it—the original act, in 1949, which we are amending by this bill, he will see that the authority of the President to submit reorganization plans deals only with those agencies within the control of the executive branch of the Government that are a part of the executive branch. The regulatory agencies are not. As the gentleman so well explained, these are independent agencies established as arms of the Congress.

Mr. HARRIS. Does the gentleman contend that the President does not have authority to submit reorganization proposals affecting these major regulatory agencies of the Government?

Mr. BROWN. I contend that he does not have the power to submit a reorganization plan affecting those agencies under the Reorganization Act.

Mr. HARRIS. That affect the regulatory agencies?

Mr. BROWN. That affect any agency primarily responsible to Congress, which includes the regulatory agencies.

The President has the power only, with respect to the regulatory agencies, to name members. He cannot even, as was suggested the other day by a statement from the White House—under the law and the Constitution, if it means anything—he cannot issue a directive ordering a regulatory agency to make a report to him. Those reports come to the Congress of the United States.

Mr. HARRIS. We have discussed that and the record is replete with it. But I believe there is some misunderstanding here. Certainly since authority has been given to the Executive to submit reorganization plans, plan after plan has been submitted to the Congress and acted upon, agreed to or not, by the Congress, affecting these regulatory agencies. In 1940, I believe it was, under the authority of the President to submit reorganization plans, there was a reorganization plan submitted by President Roosevelt amending the Federal Power Act which gives the President authority to designate the chairman. Under present law that was not drawn correctly, and we have an ambiguity in the act which has prevailed until this day. I introduced a bill the other day to clear up that ambiguity, because a situation has arisen which needs clarification.

As much as I respect the views of the gentleman from Ohio I believe he is incorrect when he says that the President does not have authority to submit reorganization plans affecting these regulatory agencies.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. HOLIFIELD. Mr. Chairman, I think my friend, the gentleman from Ohio [Mr. Brown], is wrong in his interpretation of the act. Section 7 of the Reorganization Act, which you will find on page 8, gives the right to the President to send up reorganization plans on any

agency—and it goes through a whole list of departments of the Government, but does not include the Comptroller General of the United States, the General Accounting Office.

Mr. HARRIS. I believe the gentleman is correct on that. I want to pursue this matter further, Mr. Chairman.

When a reorganization plan is submitted, under the rule, it goes to the Committee on Government Operations for its consideration. Now I ask the gentleman, is there any opportunity for public hearings after one of these plans goes to the committee?

Mr. FASCELL. Always, I will answer the gentleman, and furthermore, there is nothing to prevent any Member of the House from filing a disapproving resolution.

Mr. HARRIS. I have heard that, but 10 days pass mighty fast, and 60 days pass awfully fast when it comes to holding hearings and taking action on a bill that is referred to a committee.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. HOLIFIELD. The House has control of that, because any Member may file a disapproving resolution.

Mr. HARRIS. I know that; I am familiar with that.

Mr. HOLIFIELD. And then the committee is required to hold hearings on it and has always held hearings any time a disapproving resolution was offered.

Mr. HARRIS. It may be that the gentleman considers that adequate hearings have been held in the past, but from my information and observation I think some of them have been inadequate.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HARRIS. Will the gentleman from Florida yield me 3 additional minutes?

Mr. FASCELL. I yield the gentleman 3 additional minutes, but why does he not lay off our committee?

Mr. HARRIS. I am talking about the gentleman's committee, but I want an understanding. I want to say to the gentleman and his committee that if some of these far-reaching plans affecting these agencies come up here I am putting you on notice that our committee intends to hold some hearings on them with a view of trying to be in a position to make recommendations to you.

Mr. FASCELL. I respect the considerations of the distinguished chairman of that committee. Certainly we on the Committee on Government Operations could not begin to tell you what to do. I am not chairman of the full committee, but I can assure the gentleman that our committee will hold proper hearings on any matter that is before us.

Mr. HARRIS. I thank the gentleman for that assurance.

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Ohio.

Mr. BROWN. I have checked the records about the reorganization plans that have been sent up here, and the only

one that might possibly be designated as relating to a regulatory agency had to do with the Civil Aviation Board.

Mr. HARRIS. The old Civil Aeronautics Authority was changed because of a reorganization by the President. There are a number of these agencies where the status of the chairman has been changed because of reorganization plans of the President. In the so-called Landis report there was a recommendation as to submitting reorganization plans that apparently would grant extensive power and authority to the chairmen of these agencies with reference to the administration of those laws within the agencies themselves.

Mr. FASCELL. I could make the very simple suggestion that there are two avenues open, it appears to me. One is the disapproval resolution on the existing plan sent down, and the other is to submit affirmative legislation within the jurisdiction of the gentleman's committee so that committee could hold whatever hearings it wanted.

Mr. HARRIS. I understand the gentleman's recommendation, but a reorganization plan comes up here, and the gentleman says within 10 days we have to act.

Mr. DAWSON. Sixty days.

Mr. HARRIS. The gentleman advised me that if within 10 days the committee did not act it was subject to be discharged from further consideration.

Mr. FASCELL. That is only on a disapproval resolution. That is not on the plan itself.

Mr. HARRIS. I am talking about the action of the gentleman's committee.

Mr. FASCELL. Our committee can only act on the disapproval resolution. The law provides that if we do not act within 10 days a motion to discharge is in order.

Mr. HARRIS. That is the point.

Mr. FASCELL. That is on the disapproval resolution, not on the plan.

Mr. HARRIS. The gentleman knows how legislation works here, that you do not have much time to announce and get ready for hearings and have adequate hearings in 10 days.

Mr. BROWN. Mr. Chairman, will the gentleman yield further?

Mr. HARRIS. I yield to the gentleman from Ohio.

Mr. BROWN. The gentleman from Michigan [Mr. MEADER] and I have been checking the record, and I do find that in the past there have been reorganization plans submitted respecting some of the regulatory agencies. I was incorrect in that assumption, but I still believe I am right constitutionally as far as that is concerned as a matter of law. But inasmuch as the President does not have any direct authority over regulatory agencies, the plan itself would be subject to a point of order if someone wanted to bring it up, as a matter of fact. But we have had reorganization plans a number of years ago dealing with regulatory agencies; several of them, in fact.

Mr. HARRIS. I do not want the gentleman to think I am taking this time to express opposition to this bill. I am not at all. There is no reflection on the committee whatsoever. How-

ever, it is important to me that these independent agencies are so important as an arm of the Congress that I think all of the Members of Congress should be put on notice as to what might come up with reference to a reorganization plan. I think adequate consideration should be given to these plans.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from California.

Mr. HOLIFIELD. I just want to point out that when the reorganization plan comes up, it is referred to our committee and it lies before our committee for 60 days unless a disapproving resolution is dropped in the box. If the disapproving resolution is dropped in the box on the first day, when it is first sent up, or on the second day, our committee must then, within 10 days, hold hearings. That is the mandatory part—the 10 days. If there is no disapproving resolution—if there is no Member of the body who has enough interest in the subject matter to put in a disapproving resolution, then the law automatically becomes effective unless some member of our committee—and we have in many instances put in disapproving resolutions on plans which have come up and held hearings in our committee and brought disapproving resolutions to the floor and disapproved reorganization plans on the floor.

Mr. HARRIS. I know that is true.

Mr. HOLIFIELD. So the gentleman has adequate coverage because there is public notice—the reorganization plan is assigned to our committee. It appears in the CONGRESSIONAL RECORD and the gentleman to insure immediate attention can have his own committee hold hearings on a regular bill containing the contents of the reorganization plan. He could immediately call hearings of his own committee. This is not a matter of conflict of jurisdiction, in my opinion.

Mr. HARRIS. I recognize that.

Mr. HOLIFIELD. The jurisdictional area is completely protected.

Mr. HARRIS. I would not agree wholeheartedly with that because you do not develop legislation in these committees on legislative bills ordinarily within 60 days and report it.

Mr. HOLIFIELD. I would say that the President's powers to send up a reorganization plan is sharply limited and those limitations are set forth in the act itself. He can only transfer from area to area. He can change the name, but he cannot extend the function—he cannot put in new functions. It is a matter of reorganization within existing statutes.

Mr. HARRIS. He cannot offer resolutions that would change the basic law or the substance.

Mr. HOLIFIELD. Or abolish an agency or any function of the agency.

Mr. HARRIS. The Civil Aeronautics Authority was practically abolished and it went into a new agency. We know what the experience has been on some of these things. But, the point is, I do want the Committee to know, and I think all of us should be interested in these problems and in case some of them

come up, which is very likely, and if these recommendations are carried out, they should be given very, very close scrutiny and careful consideration.

Mr. BROWN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. MEADER].

(Mr. MEADER asked and was given permission to revise and to extend his remarks.)

Mr. MEADER. Mr. Chairman, I am glad the gentleman from Arkansas [Mr. HARRIS] raised this question because it points up one of the important aspects of this very unusual method of legislation.

I am inclined to agree with my friend, the gentleman from Michigan [Mr. HOFFMAN], that this bill vests legislative authority in the executive and that probably it is not a good way to determine policy for our Government.

But, I am willing to go along with granting this 2-year authority to President Kennedy on the ground that that issue, whether constitutional, or a matter of legislative policy, is a matter that was determined long ago. President Hoover had such authority. President Roosevelt had such authority. President Truman had such authority. And President Eisenhower had such authority.

President Kennedy in bringing in a new organization with new ideas and a new program ought, at least to have the right in the initial years of his administration to organize the executive branch of the Government according to his view of what he needs to carry out his responsibilities.

The point of the discussion with the gentleman from Arkansas is that under rule XI 8(b) of the House, as to the jurisdiction of the Committee on Government Operations, all reorganizations in the executive branch of the Government are referred to the Committee on Government Operations.

But these reorganizations may affect agencies concerning which the legislative jurisdiction is in other committees. Just as the gentleman from Arkansas, chairman of the great Committee on Interstate and Foreign Commerce, has pointed out, the Interstate Commerce Committee has jurisdiction over many of the regulatory bodies.

There have been at least a half dozen, if not a dozen, plans sent up reorganizing the independent regulatory bodies.

One of them recently has been the subject of bitter complaint before our Antitrust Subcommittee of the Committee on the Judiciary.

Reorganization Plan No. 21 of 1950 reorganized the Federal Maritime Commission. The name was changed to the Federal Maritime Board and the officials of the regulatory board both administered the ship subsidy program and also regulated the shipping industry. It resulted in a great many complaints. That was a bad reorganization plan.

I believe the gentleman is correct that we have very limited time to scrutinize these plans. They are usually well worked out, but sometimes they involve the transfer of great authority, and 10 days within which the committee may consider a resolution of disapproval is altogether too short a time.

But I think this is a case where committees having concurrent jurisdiction have to get along with each other. There should be cooperation between the Government Operations Committee, for example, and the legislative committee having jurisdiction of the subject matter of the reorganization so that the legislative committee can call the attention of the Committee on Government Operations to any dangers that might exist, or suggest whatever they think should be done about it.

There is another aspect of reorganization plans that is unusual as a practical matter. Since it is a Presidential law with a congressional right of veto it is very likely that such a reorganization plan is more permanent than the ordinary law which is originated and passed by Congress and approved by the President. It would take a two-thirds vote of the House to override the veto of an Executive who thought his plan was good and ought not to be changed by a new law. It is likely he would continue to think his plan was good or he would not have sent it up in the first place.

That proposition, it seems to me, is often overlooked when we consider and approve reorganization plans.

I think we have to go along with this 2-year extension of Presidential reorganization power and intend to vote for the bill.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Minnesota.

Mr. JUDD. Mr. Chairman, as one who served on this great committee in the years when this was being adopted, I would like to add just a word. It has been said that this is creeping encroachment on the legislative authority of the Congress; as a matter of fact, the creeping has been in the other direction.

The original reorganization or Executive Reorganization Act authorized the President to send down these plans and they went into effect after 60 days unless disapproved by both Houses with a constitutional majority in each House. The gentleman from Michigan was here when we had the fight to strike out the constitutional majority, to make it possible to disapprove the executive plan by a simple majority in both Houses. Some of us contended that was wrong, because a law does not go into effect unless both Houses approve and the President approves. This would allow one House, if it did not pass a disapproving resolution and the President to put something into effect. This was modified in 1957 so a plan can be disapproved now by a simple majority vote in one House. Little by little the encroachment has been back toward greater authority in the Congress instead of the other way.

Mr. MEADER. Let me say to the gentleman we gave away too much authority and now we are trying to take something back.

Mr. JUDD. We gave too much in the beginning, but now we are talking it back.

Mr. BROWN. Mr. Chairman, I must yield myself 3 minutes, because I had

my attention called to the fact that we had had some reorganization plans before us dealing with regulatory agencies. I still feel that my original position was correct, and is correct, as far as the law is concerned, and I would like to direct attention, if I may, to section 3 of the Reorganization Act of 1949.

It reads as follows:

When used in this act, the term "agency" means any executive department, commission, council, independent establishment, Government corporation, board, bureau, division, service, office, officer, authority, administration, or other establishment—

I want to emphasize this language—in the executive branch of the Government.

I contend that inasmuch as these regulatory agencies are not in the executive branch of the Government we had no business in the first place considering any of these reorganization plans that were sent up here to reorganize the regulatory agencies of the Government. If there is any law left and any courts left in this land, I believe that interpretation should be placed on it and I hope the gentleman from Arkansas will agree with me. He is a pretty good lawyer.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Arkansas.

Mr. HARRIS. I do respect the gentleman's views. Having served on the Committee on Interstate and Foreign Commerce with him for several years I know something about his ability to interpret language and to deal with legislation. I am of the opinion, however, in view of the fact that Congress has given the President appointive powers and in some instances removal power and under the law authority with reference to budgetary control, that for this purpose I am fearful those agencies would come within this provision of the law—that is, the meaning of it.

Mr. BROWN. I hope my distinguished friend will not place himself in a position where he will be saying that his belief and conviction is that the regulatory agencies come under the domination, dictation, and control of the Chief Executive. I hope he will always stand and fight for the thought, the idea, and the proposition that these regulatory agencies are arms of the Congress and come under the jurisdiction of the Congress rather than the jurisdiction of the President.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, in closing the debate, may I say that this matter has been thoroughly discussed. As one who certainly believes in reorganization and at the same time believes there is merit in some of the arguments, this bill should be adopted. I did have the experience 2 years ago of introducing a resolution of disapproval. I found that there are quite a lot of safeguards that do not appear at first blush. Another thing we should keep in mind is that each new administration has a certain fresh desire to reorganize and to make the executive department more efficient. We should give this ad-

ministration a chance to forward reorganization plans up here for our consideration.

(Mr. SMITH of Iowa asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205; 5 U.S.C. 1332-3), as last amended by the Act of September 4, 1957 (71 Stat. 611), is hereby further amended by striking out "June 1, 1959" and inserting in lieu thereof "June 1, 1963".

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN of Michigan: After line 7 insert the following: "SEC. 2. (a) Section 6(a) of the Reorganization Act of 1949 is amended by striking 'there has not been passed by either of the two Houses a resolution stating in substance that that House does not favor the Reorganization plan', and inserting in lieu thereof the following: 'there has been passed by both of the two Houses a resolution stating in substance that that House favors the reorganization plan'.

"(b) Section 202 of such Act is amended by striking out 'does not favor' and inserting in lieu thereof 'favors'."

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN of Michigan. Mr. Chairman, all that amendment seeks to do is to retain in the Congress the constitutional power to legislate. This bill as written provides that is to let the President legislate unless either the Senate or House interpose a veto. The reverse of the constitutional procedure.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

Of course, all the amendment does is to kill the Reorganization Act. To do what the gentleman desires to do is to introduce legislation in the affirmative on the subject he is interested in.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. IKARD of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 153) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963, pursuant to House Resolution 238, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered. The question is on the third reading of the bill.

The bill was read a third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5742) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

SUPPLEMENTAL APPROPRIATION BILL FOR THE FISCAL YEAR ENDING JUNE 30, 1961

Mr. THOMAS submitted the following conference report and statement on the bill (H.R. 5188) making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes:

CONFERENCE REPORT (REPT. No. 211)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5188) making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 16, 42, 43, 44, 48, 55, 57, 69, 71, 72, 73, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 41, 45, 46, 47, 51, 52, 59, 62, 63, 64, 65, 68, 70, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"MUTUAL SECURITY

"Development Loan Fund

"For an additional amount for advances to the Development Loan Fund, as authorized by section 203 of the Mutual Security Act of 1954, as amended, \$50,000,000 to remain available until expended."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$4,000,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment insert "\$94,000,000"; and the Senate to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$378,500"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$220,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amend-

ment insert "\$50,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$65,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$17,500,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$62,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$1,625,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$20,000,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$250,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$10,850,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$42,000,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "\$90,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$360,000,000"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$9,000,000"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$333,500"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "Joint Committee on

Reduction of Nonessential Federal Expenditures", \$1,880"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 23, 25, 27, 36, 38, 50, 53, 60, 61, 66, 67 and 91.

ALBERT THOMAS,
MICHAEL J. KIRWAN,
CLARENCE CANNON,
BEN F. JENSEN,
JOHN TABER,

Managers on the Part of the House.

CARL HAYDEN,
RICHARD B. RUSSELL
(though unable to attend the conference, I approve this report except as to Senate action in receding on amendments 1, 2, 3, and 4. I think Senate conferees should have insisted on these four),

DENNIS CHAVEZ,
LISTER HILL,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
STYLES BRIDGES,
LEVERETT SALTONSTALL,
MILTON R. YOUNG

(except I do not agree with position of conferees on amendments 1, 2, 3, and 4),

KARL E. MUNDT,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5188) making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I

Department of Agriculture

Amendments Nos. 1 through 4—Commodity Credit Corporation: Delete items proposed by the Senate for reimbursements to the Corporation.

Department of Defense—Military

Amendment No. 5—General provisions: Deletes language proposed by the House for \$263,900,000 transfer authority as proposed by the Senate.

Amendment No. 6: Inserts center heading.

Amendment No. 7—Military personnel, Army: Appropriates \$7,000,000 as proposed by the Senate.

Amendment No. 8—Military personnel, Navy: Appropriates \$15,000,000 as proposed by the Senate.

Amendment No. 9: Inserts center heading.

Amendment No. 10—Operation and maintenance, Army: Appropriates \$88,500,000 as proposed by the Senate.

Amendment No. 11—Operation and maintenance, Navy: Appropriates \$79,400,000 as proposed by the Senate.

Amendment No. 12—Operation and maintenance, Air Force: Appropriates \$72,000,000 as proposed by the Senate.

Amendment No. 13—Claims, Department of Defense: Appropriates \$3,000,000 as proposed by the Senate.

Amendment No. 14: Inserts center heading.

Department of Defense—Civil functions

Amendment No. 15—Department of the Army, rivers and harbors and flood control: Appropriates \$350,000 for construction, gen-

eral, to resume planning on the Libby Dam in Montana as proposed by the Senate.

District of Columbia

Amendment No. 16—Federal loan to the District of Columbia: Deletes Senate proposal to make a loan of \$5,700,000.

Amendment No. 17—Regulatory agencies: Appropriates \$118,000 as proposed by the Senate instead of \$89,000 as proposed by the House.

Amendment No. 18—Department of Occupations and Professions: Appropriates \$29,000 as proposed by the Senate instead of \$14,000 as proposed by the House.

Amendment No. 19—Metropolitan Police: Appropriates \$100,000 as proposed by the Senate.

Amendment No. 20—Department of Public Health: Appropriates \$1,849,500 as proposed by the Senate instead of \$1,652,050 as proposed by the House.

Amendment No. 21—Department of Public Welfare: Appropriates \$575,000 as proposed by the Senate.

Amendment No. 22—Department of Sanitary Engineering: Appropriates \$1,268,000 as proposed by the Senate.

Executive Office of the President

Amendment No. 23—President's Advisory Committee on Labor-Management Policy: Reported in disagreement.

Funds appropriated to the President

Amendment No. 24—Mutual Security, Development Loan Fund: Appropriates \$50,000,000 instead of \$150,000,000 as proposed by the Senate, and such funds are earmarked specifically for loans in the Western Hemisphere.

Department of Health, Education, and Welfare

Amendment No. 25—Public Health Service: Reported in disagreement.

Amendment No. 26—Social Security Administration, grants to States for public assistance: Appropriates \$94,000,000 instead of \$74,000,000 as proposed by the House and \$104,000,000 as proposed by the Senate.

Amendment No. 27—Social Security Administration, grants to States for public assistance: Reported in disagreement.

Amendment No. 28—Social Security Administration, Bureau of Public Assistance: Appropriates \$378,500 instead of \$300,000 as proposed by the House and \$457,000 as proposed by the Senate.

Amendment No. 29—Office of the Secretary, salaries and expenses, Office of Field Administration: Appropriates \$220,000 instead of \$60,000 as proposed by the House and \$225,000 as proposed by the Senate.

Amendments Nos. 30 and 31—Salaries and expenses, Office of the General Counsel: Appropriate \$50,000 instead of \$42,000 as proposed by the House and \$58,000 as proposed by the Senate together with \$65,000 to be derived by transfer instead of \$38,000 as proposed by the House and \$71,000 as proposed by the Senate.

Independent offices

Amendment No. 32—Civil Aeronautics Board, payments to air carriers: Appropriates \$17,500,000 instead of \$15,000,000 as proposed by the House and \$20,000,000 as proposed by the Senate.

Amendment No. 33—Civil Service Commission, investigation of United States citizens for employment by international organizations: Appropriates \$62,000 instead of \$57,000 as proposed by the House and \$67,000 as proposed by the Senate.

Amendment No. 34—Civil Service Commission, Government contribution, Retired Employees Health Benefits Fund: Appropriates \$1,625,000 instead of \$1,500,000 as proposed by the House and \$1,750,000 as proposed by the Senate.

Amendment No. 35—General Services Administration, General Supply Fund: Approp-

riates \$20,000,000 instead of \$15,000,000 as proposed by the House and \$25,000,000 as proposed by the Senate.

Amendment No. 36—General Services Administration, expenses, supply distribution: Reported in disagreement.

Amendment No. 37—Housing and Home Finance Agency, limitation on administrative expenses, Office of the Administrator, college housing loans: Provides limitation of \$250,000 instead of \$180,000 as proposed by the House and \$270,000 as proposed by the Senate.

Amendment No. 38—Railroad Retirement Board: Reported in disagreement.

Amendment No. 39—Veterans' Administration, general operating expenses: Appropriates \$10,850,000 instead of \$10,600,000 as proposed by the House and \$11,063,000 as proposed by the Senate.

Amendment No. 40—Veterans' Administration, inpatient care: Appropriates \$42,000,000 instead of \$41,000,000 as proposed by the House and \$43,000,000 as proposed by the Senate.

Department of the Interior

Amendment No. 41—Bureau of Indian Affairs, resources management: Appropriates \$1,777,000 as proposed by the Senate instead of \$1,730,000 as proposed by the House.

Amendment No. 42—National Park Service, management and protection: Appropriates \$1,934,000 as proposed by the House instead of \$1,984,000 as proposed by the Senate. The conferees have approved \$13,000 for archeological investigations in the Walter F. George Reservoir area as proposed by the Senate within the total provided.

Amendment No. 43—National Park Service, maintenance and rehabilitation of physical facilities: Appropriates \$800,000 as proposed by the House instead of \$850,000 as proposed by the Senate.

Amendment No. 44—National Park Service, construction: Appropriates \$300,000 as proposed by the House instead of \$467,000 as proposed by the Senate.

Amendment No. 45—Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife: Appropriates \$350,000 for construction as proposed by the Senate instead of \$200,000 as proposed by the House.

Amendment No. 46—Fish and Wildlife Service, Bureau of Commercial Fisheries: Appropriates \$1,000,000 as proposed by the Senate.

Amendment No. 47—Office of Territories, administration of territories: Appropriates \$465,000 as proposed by the Senate.

Amendment No. 48—Office of Territories, Trust Territory of the Pacific Islands: Appropriates \$300,000 as proposed by the House instead of \$127,333 as proposed by the Senate.

Bureau of Reclamation, construction and rehabilitation: The conferees have approved the use of \$100,000 of available funds for advanced planning on the Cheney division of the Wichita project and \$100,000 of available funds for advanced planning on the Red Bluff unit of the Central Valley project. None of these funds shall be used for construction.

Department of Justice

Amendment No. 49—Legal activities and general administration: Appropriates \$90,000 instead of \$100,000 as proposed by the Senate.

Amendment No. 50—Office of Alien Property: Reported in disagreement.

Department of Labor

Amendments Nos. 51 and 52—Bureau of Employment Security, advances to Employment Security Administration account, Unemployment Trust Fund: Appropriate \$268,000,000 as a repayable advance of which \$250,000,000 shall be derived by transfer as proposed by the Senate instead of an appropriation of \$250,000,000 derived by transfer as proposed by the House.

Amendment No. 53—Bureau of Employment Security, payment to the Federal ex-

tended compensation account: Reported in disagreement.

Amendments Nos. 54 and 55—Bureau of Employment Security, limitation on grants to States for unemployment compensation and employment service administration (trust fund): Provide \$360,000,000 instead of \$340,000,000 as proposed by the House and \$375,995,000 as proposed by the Senate, and deletes provision of Senate extending availability of funds.

Amendments Nos. 56 and 57—Bureau of Employment Security, limitation on salaries and expenses (trust fund): Provides \$9,000,000 instead of \$7,900,000 as proposed by the House and \$9,370,000 as proposed by the Senate, and deletes provision of the Senate extending availability of funds.

Amendment No. 58—Bureau of Employees' Compensation: Appropriates \$333,500 instead of \$310,000 as proposed by the House and \$357,000 as proposed by the Senate.

Legislative branch

Amendment No. 59: Inserts title as proposed by the Senate.

Amendments Nos. 60 and 61: Reported in disagreement.

Amendment No. 62: Inserts title as proposed by the Senate.

Amendment No. 63: Joint Economic Committee: Appropriates \$35,000 as proposed by the Senate.

Amendment No. 64: Furniture: Appropriates \$26,000 as proposed by the Senate.

Amendment No. 65: Inquiries and investigations: Appropriates \$105,000 as proposed by the Senate.

Amendment No. 66: Administrative provision: Reported in disagreement.

Amendment No. 67: House of Representatives: Reported in disagreement.

Amendment No. 68: Members' clerk hire: Appropriates \$600,000 as proposed by the Senate.

Amendment No. 69: General provision: Deletes provision inserted by the Senate.

Department of State

Amendment No. 70: Administration of foreign affairs: Appropriates \$10,140,000 as proposed by the Senate instead of \$10,340,000 as proposed by the House.

TITLE II—INCREASED PAY COSTS

Department of the Interior

Amendment No. 71: Bureau of Reclamation, general investigations: Deletes proposal of the Senate that \$236,364 shall be derived from the reclamation fund.

Amendment No. 72: Bureau of Reclamation, operation and maintenance: Deletes proposal of the Senate that \$483,721 shall be derived from the reclamation fund and \$32,000 shall be derived from the Colorado River Dam fund.

Amendment No. 73: Bureau of Reclamation, general administrative expenses: Deletes proposal of the Senate that the appropriation be derived from the reclamation fund.

Amendment No. 74—Bureau of Commercial Fisheries: Deletes Senate language proposing to transfer funds.

Legislative branch

Amendments Nos. 75-90—Senate: Appropriate for miscellaneous activities of the Senate as proposed by the Senate.

TITLE III

Amendment No. 91—Claims and judgments: Reported in disagreement.

ALBERT THOMAS,
MICHAEL J. KIRWAN,
CLARENCE CANNON,
BEN F. JENSEN,
JOHN TABER,

Managers on the Part of the House.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report

Public Law 87-18
87th Congress, S. 153
April 7, 1961

AN ACT

75 STAT. 41.

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205; 5 U.S.C. 133z-3), as last amended by the Act of September 4, 1957 (71 Stat. 611), is hereby further amended by striking out "June 1, 1959" and inserting in lieu thereof "June 1, 1963".

Reorganiza-
tion plans.
Transmittal
period, ex-
tension.

Approved April 7, 1961.

